

Unpredictability and Presence

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VOLUME 38

Unpredictability and Presence

Norwegian Kingship in the High Middle Ages

By

Hans Jacob Orning

Translated by

Alan Crozier



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2008

Cover illustration: Depiction of the Norwegian king Håkon Håkonsson and his earl Skule Bårdsson in the Icelandic manuscript Flateyrbók from the 1380s.
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This book is printed on acid-free paper.

Library of Congress Cataloging-in-Publication Data

Orning, Hans Jacob.

[Uforutsigbarhet og nærvær. English]

Unpredictability and presence : Norwegian kingship in the High Middle Ages /
by Hans Jacob Orning ; translated by Alan Crozier.

p. cm. — (Northern world, ISSN 1569-1462 ; v. 38)

Originally presented as the author's thesis (doctoral)—Oslo Univ., 2004.

Includes bibliographical references and index.

ISBN 978-90-04-16661-5 (hardback : alk. paper) 1. Norway—Kings and
rulers—History. 2. Monarchy—Norway—History—To 1500. 3. State, The. 4.
Civilization, Medieval. I. Title.

DL660.5.O7613 2008

948.1'014—dc22

2008007239

ISSN 1569-1462

ISBN 978 90 04 16661 5

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PRINTED IN THE NETHERLANDS

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ACKNOWLEDGEMENTS

This book is a revised edition of my doctoral dissertation from 2004, which was financed by the Norwegian Research Council. The Department of History at the University of Oslo provided the historical setting for my work, for which I am grateful. Jón Viðar Sigurðsson was a keen and supportive supervisor during my project. Thanks also to my opponents Thomas Lindkvist and Sverre Bagge for useful comments. Many other colleagues have given me invaluable support and inspiration, of whom I would especially mention Knut Arstad, Kai Østberg, Odd Arvid Storsveen, and Erling Sandmo. In the latter phase of my project Kim Esmark, Lars Hermanson, Steinar Imsen, Michael Gelting, Barbara Crawford, and my colleagues in Volda have offered important advice and criticism. My parents have been very supportive during my period as a doctoral fellow. Most indispensable for my work have been my wife Marte.

Alan Crozier has been the translator of this work, and I thank him for stimulating dialogue and useful suggestions. The translation was made possible by generous grants from the Norwegian Research Council and the University College of Volda. “Thanks also to Det Arnamagnæanske Institut in Copenhagen, and Háskóli Íslands and Stofnun Árna Magnússonar in Reykjavík for friendly help during my visits there.”

Norwegian personal names and place-names are rendered in modern Norwegian because they are well established. Icelandic names are cited in their Old Norse form. Translations of citations from primary and secondary sources are by the translator and author. References in sagas and laws are to chapters and paragraphs respectively, in other normative sources to the page number of the Old Norse edition used. The appendix contains a list of the abbreviations used in the notes, lists of Norwegian kings and factional groups in the period, as well as of the most important titles of royal officials.

Volda, 16 November 2007

Hans Jacob Orning

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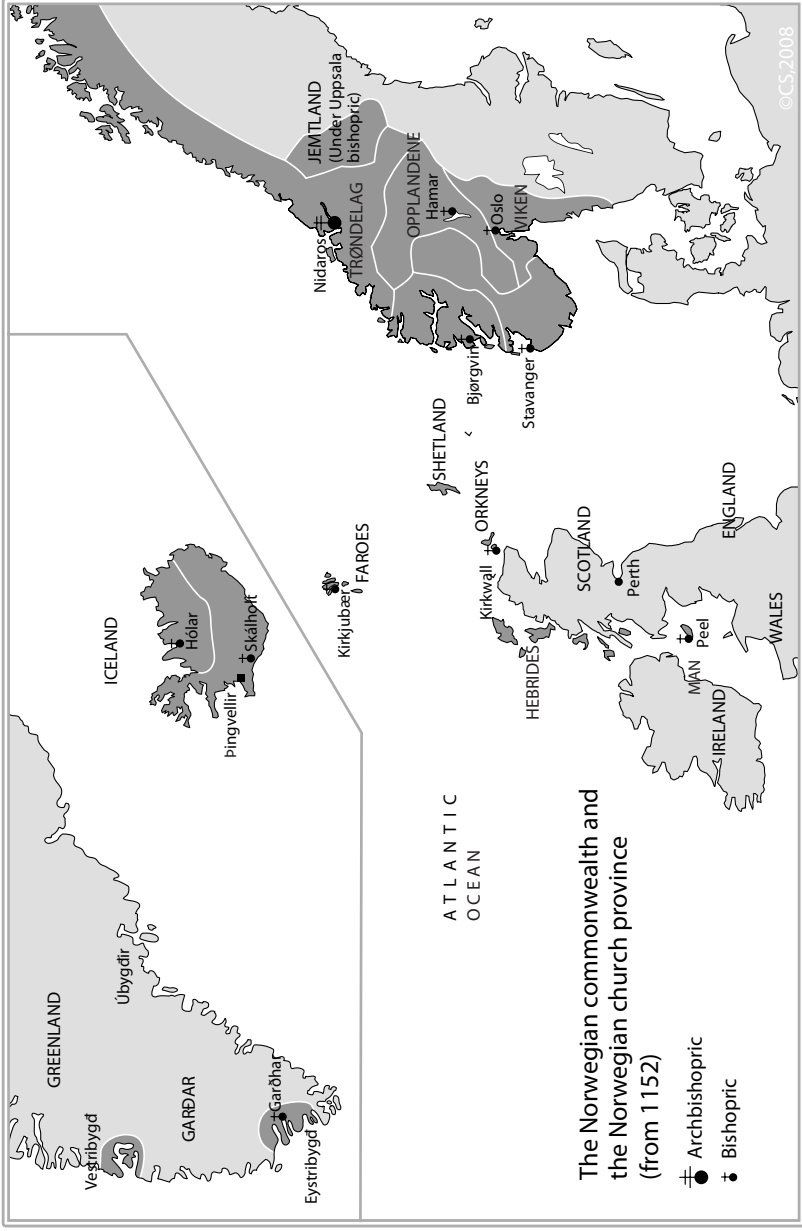
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MAP



INTRODUCTION

Themes and perspectives

In 1297 Duke Håkon Magnusson (who became King Håkon V in 1299) issued an amendment to the law for the peasants of Hadeland, a region of East Norway. It started like this:

We expect that most people know of the great and outrageous offence that the people of Hadeland committed by banding together in disobedience against us and our authority. According to the laws of the land and all justice, you deserved to lose your property and lives because of this. But because you came to us and, as could be expected, humbly asked for mercy and forgiveness, and it is known to God and the best men who are closest to us that we are willing to do what is useful and beneficial for the common people, unless we are compelled too strongly to do otherwise, we therefore announce to all men that, for the sake of God and the souls of our father and mother, we have, at the request of the best men, abandoned our anger against them and made them free and without liability in this matter, with the exception of those who were the leaders and instigators of this disobedience. [...] Furthermore, we have also shown them mercy—even though they do not deserve it as much as the people of Romerike, who have always shown us benevolence in obedience and subservience with great fidelity—that we grant them these amendments which follow here, and which will be explained one after the other.¹

¹ “Ver ventum flestum monnum kunnigt vera þat stora ok hit vðæyrilega afbrot sem Hadar gerdu med vlydnis sambande mote os ok varo valde. Veri þer verdugir at logum landzens ok alskins retti goz ok lifit at lata firir þessa sok. en af þui at þer komo til var bidiande aodmiuklega. sem von var at. nada ok miskunnar. oc þat er gudi kunnucht ok þeim bæztum monnum sem nest os ganga at ver vilium gerna þat gera sem almuganum mætti vera til gagns ok nytsemdar ef ver værim eigi ofmiok til annars naodgadir. gerom ver ollum monnum kunnicht. at firir gudz sakir ok salu fadur vars ok modur eptir hinna bestu manna bønarstad hofum ver gefit vp vid þa reidi vara ok gert þa frialsa ok liduga af þessare sok. þeim þo vndan teknum sem formenn ok vphafs menn varo at þessi vlydni [...] Hafum ver ok framleidis þær nádr a gert þeim. þo at þeir se eigi sua verdugr sem Raommar sem iafnan hafa synt os sinn goduilla i lydni ok æptirlæte med mykille hollestu. at ver gefum þeim þessar rettarbætar sem her fylgir ok huer greinazt eptir adra” (*Norges gamle Love indtil 1387* III, eds. R. Keyser and P. A. Munch, Christiania 1849, pp. 27–30; modern Norwegian translation *Norske middelalderdokumenter*, ed. and transl. S. Bagge, S. H. Smedsdal and K. Helle, Bergen 1973, pp. 212–13). Håkon Magnusson was duke over a third of the country when he

This amendment summarizes the official view of royal justice in the High Middle Ages. Here we find the angry king's accusation against subjects for having broken the law ("the great and outrageous offence"); the subjects' subsequent repentance and submission ("[they] humbly asked for mercy and forgiveness"); and finally the king's pardon of them ("we have also shown them mercy"). The Norwegian historian Andreas Holmsen claimed in 1976 that "in scarcely any European land was the Christian ideal of 'the just king' realized as much as in Norway".² The king seems omnipresent and just in the pronouncement of his judgements.

The question is how far this official view of the royal administration of justice coincides with the king's exercise of power in practice. The main thesis of this study is that the king's practical power was based to a considerable extent on his presence, and on the unpredictability of his behaviour when he met his subjects. This does *not* mean that the king could exclusively appear arbitrary and intimidating. A king who did so would scarcely have remained king very long. The crucial thing is that unpredictability cannot be regarded as an undesired or unintended deviation in the king's behaviour, but was an integral component of his exercise of power which was necessary to create the element of insecurity and fear that he depended on if he was to obtain the subordination of others. Unpredictability attests to a royal dominion that relates less to internalized obligations of obedience than to the submission the king could achieve by being physically present. This does not mean that I ignore that changes occurred in the High Middle Ages, but in my opinion the changes were not on such a scale that they altered the fundamental rules of political behaviour in the period.³

The focus on the king's practical exercise of power means that I am particularly interested in encounters where conflict arose between the king and others, because such conflicts can say something about the kind of loyalty the king demanded, and the kind of subordination he achieved. Conflicts have traditionally been interpreted as signs of crises for royal power, because they are regarded as evidence that the

issued this amendment, but as duke he had full royal rights within his territory (Grethe Authén Blom, *Samkongedomme, enekongedomme, Håkon Magnussons hertugdomme*, Oslo 1972, pp. 38–69).

² Andreas Holmsen, *Nye studier i gammel historie*, Oslo 1976, p. 185.

³ On the concept of "Spielregeln", see Gerd Althoff, *Spielregeln der Politik im Mittelalter: Kommunikation in Frieden und Fehde*, Darmstadt 1997.

king was unable to establish peace in his realm. According to Patrick Geary, it is misleading to perceive conflicts in the High Middle Ages in this way:

conflicts were such an essential part of the social fabric that one can hardly speak of them in this society as having a beginning, a middle, and an end. Conflicts were more *structures* than *events*—structures often enduring generations.⁴

Conflicts do not represent departures from the correct world order, but are normal occurrences, which can also serve to strengthen the king's position. Since subordination to the king cannot be taken for granted, but must be constantly activated through the king's presence, subordination and conflict are not opposites, as they are in modern states where the private use of violence is generally regarded as an infringement of the state's monopoly on violence (cf. Max Weber's classical definition of the state). In the High Middle Ages, admittedly, we do see tendencies to a distinction between legitimate state use of violence and illegitimate private violence.⁵ In practice, however, this distinction was weakly developed. Subordination and conflict were in many ways mutually reinforcing phenomena. For a king who to a large extent exercised his lordship directly through meetings with the population, success required that he appeared as unpredictable and overwhelming on such occasions.

To study the king's power in this way, it is necessary to go beyond the ideological perspective on royal power expressed by the amendment of 1297. This is a tricky task, because the sources for the period show a strong ideological influence. Yet it is not an impossible task. We will never know how the peasants viewed the amendment from 1297, but their actions in themselves are testimony that the king's demands for

⁴ Patrick J. Geary, "Living with Conflicts in Stateless France: A Typology of Conflict Management Mechanisms, 1050–1200", in *Living with the Dead in the Middle Ages*, Ithaca and London 1994 (orig. published in French in *Annales* 1986), p. 139 (Geary's italics). Cf. Stephen D. White, "'Pactum...legem vincit et amor iudicium': The Settlement of Disputes by Compromise in Eleventh-century Western France", *American Journal of Legal History* 22, 1978, pp. 281–308.

⁵ King Håkon Håkonsson went some way in this direction when he forbade blood vengeance in 1260, and his son Magnus when he drew the consequences of this and removed the right of kinsmen to compensation from the national laws. In addition, the king was entitled to a share of the fine for a range of offences. Both the church and the individual nevertheless continued to have considerable rights as regards the legitimate use of force.

loyalty could be controversial. The contemporary kings' sagas, which are the main sources for this study, have a historical element which consists in their presentation of the events roughly as they happened, and in the fact that the events are reported in a way that made sense for the listeners. These sagas recount a number of the kings' conflicts with magnates and peasants. Even if the other party's arguments are rarely recorded, their actions are often reported in such detail that an analysis of these "counter-voices" can help us in reconstructing a view of royal power that differs from the official one.

This analysis is not about the expansion of the royal administrative apparatus in the form of local representatives, the retainers of the hird, and other royal officials. Firstly, it deals with the king's direct encounters with the people, and therefore does not bring in the king's indirect rule through *sýslumenn* (comparable to English *sheriffs*) and other representatives. Secondly, the focus of this study is on practical norms. In other words, it concerns what people did, not what they *ought* to have done. This does not mean that institutions are not relevant *per se*, but that their relevance must be linked to any effect they might have had in action. In 1996 Sverre Bagge asked: "What happened on the mental level when 'Norway became a state' in the High Middle Ages?"⁶ This investigation may be viewed as a supplement to earlier studies, in that the focus is on this "mental" side of state development and not on the material foundation for royal power.

However, this study should also be regarded as a corrective to earlier research. There scarcely exists a study of the High Middle Ages in Norway that has not concentrated its attention on change. The focus here on practical norms is part of an attempt to qualify the view of this period as a time of social and political transformation. This does not mean that I ignore the changes that occurred in the period, but that I believe the *scope* of these changes has often been exaggerated. The High Middle Ages will thus be regarded essentially as a whole, and I do not give so much consideration to *when* events took place in the period. The question of change will nevertheless be brought up constantly as the study proceeds.

The study deals with the High Middle Ages, which can be defined as the period *c.* 1150–1300. Such approximate limits can be defended

⁶ Sverre Bagge, "Utsikt og innhogg: 150 års forskning om eldre norsk historie", *HT* 1 1996(b), p. 76. "Norway Becomes a State" is the title of the most widely used textbook in Norwegian medieval history, written by Knut Helle.

by the fact that changes in norms tend to proceed more slowly and are more difficult to delimit than changes in political and institutional history. In this period I shall nevertheless place special emphasis on the years 1177–1263. This is the period of the contemporary kings' sagas, when the source material is in many ways better than for the time before and after. The contemporary sagas give more reliable information than sagas which deal with the time before 1177, and unlike the normative sources of the subsequent period, their aim is to describe events rather than to regulate them. Within this period, the time before 1240 will be of particular importance, because this is when most conflicts in the sagas took place.

Geographically, the study concerns areas that were part of the sphere of Norwegian rule, comprising mainland Norway and the Atlantic islands. This demarcation will also be applied somewhat flexibly, because the attention is focused on the king's practical power, and not on his formal demands for subordination. It will therefore often be more relevant to study the centre and periphery of kingdoms rather than to assume that the dividing lines between realms were firmly established in this period. In keeping with this, I shall analyse Icelandic magnates' loyalty to the Norwegian king before Iceland formally became subject to him in 1262/64, because many of these men were members of the king's hird before the subjugation.

Theory: absolute and contextual loyalty

The character of royal power is closely associated with the kind of subordination he achieved. If the king's exercise of power was based more on unpredictability and presence than on administering law and justice in a consistent manner, this means that we must ask what subordination to the king meant in a more fundamental way than by trying to fix the boundary between "loyalty" and "disloyalty". To approach this question I will make a detour through literacy studies, because research there has dealt with the differences between the way people think in oral and literate societies.⁷ More attention will be devoted

⁷ There is extensive scholarly literature on this subject. Walter J. Ong, *Orality and Literacy: The Technologizing of the Word*, London 1982, provides a good introduction, although it does not incorporate the last few decades' research. For more recent discussions, see Joyce Coleman, *Public Reading and the Reading Public in Late Medieval England and France*, Cambridge 1996; Marco Mostert (ed.), *New Approaches to Medieval Communication*,

to the mode of thought of an oral culture, because this is furthest from our own, and consequently more difficult to understand.

In the 1920s the Russian psychologist Aleksandr Luria asked a number of people from Uzbekistan and Kyrgyzstan which of the objects “axe”, “hammer”, “saw” and “log” was the odd one out. Informants who could not read or write all refused to single out the log. Luria’s explanation for this was that they proceeded from practical experience when classifying the objects, and not in abstract categories, as in this case “tools”.⁸ He called this “situational thinking”, and believed that “abstract terms [...] actually had a more concrete meaning for them [illiterate subjects] than for better educated subjects”.⁹

Walter Ong sums up thinking in oral cultures as follows: “Oral cultures tend to use concepts in situational, operational frames of reference that are minimally abstract in the sense that they remain close to the living human lifeworld.”¹⁰ Jack Goody uses expressions like “embeddedness” and “contextualization” to describe how people in such cultures think.¹¹ Norms are embedded and activated in concrete situations. This means that they are not formulated as a part of larger explicit norm systems independent of the context in which they are activated.¹² In what follows this perception as applied to loyalty will be called contextual. Loyalty in this case is not something that exists as a constant norm, but is a property that must be actively invoked by whoever desires or demands it from another person.

A contextual perception of loyalty can be contrasted with an absolute perception in which loyalty is clearly defined and do not vary in

Turnhout 1999, which moreover includes an extensive bibliography on recent studies in literacy. Norwegian surveys are included in Leidulv Melve, *Med ordet som våpen: tale og skrift i vestleg historie*, Oslo 2001; Arnved Nedkvitne, *The Social Consequences of Literacy in Medieval Scandinavia*, Turnhout 2004. See also the references in the following notes.

⁸ Aleksandr V. Luria, “Cultural Differences in Thinking”, in *The Making of Mind*, London 1979, pp. 66–74. They were also presented with syllogisms of the type: “A. Far to the north where there is snow, all bears are white. B. Novaya Zemlya is far to the north. C. What colour are the bears there?” Informants who could not read or write had problems understanding this type of syllogism, partly because they had a profound distrust of statements about things which they had not experienced personally, partly because they did not accept that statements of type A had the status of universal premises (Luria 1979, pp. 74–80).

⁹ Luria 1979, pp. 69, 92.

¹⁰ Ong 1982, p. 49, cf., pp. 49–57 on Luria’s experiments.

¹¹ Jack Goody, *The Logic of Writing and the Organization of Society*, Cambridge 1996 (orig. 1986), pp. 15, 167.

¹² Norms “are not formulated, or not yet formulated, into neat digests” (Goody 1996, pp. 174–75). The casuistic style of the provincial laws is an example of this.

different situations.¹³ With Ong, we can link this kind of perception to the use of writing:

Writing establishes what has been called “context-free” language or “autonomous” discourse, discourse which cannot be directly questioned or contested as oral speech can be because written discourse has been detached from its author. [...] Writing [...] serves to separate and distance the knower and the known and thus to establish objectivity.¹⁴

The use of writing makes it possible to distinguish what is expressed from the person who expressed the message, and from the situation in which this takes place. This distinction means that subject and object are separated, which in turn is essential for critical investigations based on an abstract ideal of objectivity.¹⁵ This decontextualization also applies to norms: “written formulations encourage the decontextualization or generalization of norms.”¹⁶ Norms are detached from the context in which they are activated and formulated as general messages of universal validity.¹⁷

Goody and Ong have been criticized for treating the introduction of writing as a sufficient and autonomous explanation of modernization. Brian Street has proposed an “ideological model” as an alternative

¹³ Latin *absolutus* means “free, complete, unconditional” (from *ab* + *solvere*), while *contextus* means “connection, coherence” (from *con* + *texere*), cf. Asgaut Steinnes and Eirik Vandvik, *Latinsk ordbok*, Oslo 1965; James Morwood (ed.), *The Pocket Oxford Latin Dictionary*, Oxford 1994.

¹⁴ Ong 1982, pp. 78, 113–14.

¹⁵ Goody 1996, pp. 142, 163; Jack Goody, “Introduction”, in Jack Goody (ed.), *Literacy in Traditional Societies*, London 1968, pp. 1–2; Jack Goody and Ian Watt, “The Consequences of Literacy”, in Goody 1968, pp. 27–34, 50–55, 62–65; Jack Goody, *The Domestication of the Savage Mind*, Cambridge 1977, pp. 149–50; Jack Goody, *The Interface between the Written and the Oral*, Cambridge 1987, pp. 263–64, 273–75, 278–79, 292.

¹⁶ Goody 1996, p. 12, cf., pp. 154–5.

¹⁷ The difference between oral and written cultures is reminiscent of the dichotomy that Claude Lévi-Strauss set up between a “bricoleur” and an “engineer” (although he is one of those whom Jack Goody has criticized). A bricoleur is a jack of all trades who encounters any situation with a heterogeneous but limited repertoire; the limitation is that he is unable to define a goal beyond the concrete situation in which he finds himself, and he therefore ends up infinitely rearranging what is available to him. An engineer, in contrast, is able to cope with the limitations of the situation by using abstract concepts (Claude Lévi-Strauss, *The Savage Mind*, Chicago 1966, pp. 16–22, 35–37, 58, 245–50). There is nevertheless a form of universalism in the bricoleur in his tendency to totalize, but this is a different form of absolutism from the one I use here (see Ole Bruhn, *Tekstualisering: Bidrag til en litterær antropologi*, Århus 1999, pp. 20–23, and E. Paul Dürrenberger, “Icelandic Sagas as Totemic Artefacts”, in R. Samson (ed.), *Social Approaches to Viking Studies*, Glasgow 1991, pp. 11–17, for an application of Lévi-Strauss’s concept of universalizing to the Old Norse Middle Ages).

to Goody's "autonomous model", where he asserts the fundamental significance of writing for legitimating power.¹⁸ Michael T. Clanchy, proceeding from medieval England, has described how the transition from an oral to a written way of thinking took place gradually and was ideologically communicated. Writing was not introduced because it represented a superior technology in relation to speech; its spread and influence is ultimately about trust. When both the crown and the church mobilized their prestige in favour of writing, it contributed to increasing the prestige not only of writing but also of the two institutions themselves.¹⁹ I shall not go further in this debate because the essential thing here is not the use of writing as a causal factor, but the dichotomy that literacy research has set up between a contextual and an absolute way of thinking.

This study will analyse these modes of thought from the perspective of state development, focusing on the king's domination or authority. Domination (Herrschaft) can be defined, with Max Weber, as "the probability that a command with a given specific content will be obeyed by a given groups of persons".²⁰ He gives the following definition of obedience:

Obedience will be taken to mean that the action of the person obeying follows in essentials such a course that the content of the command may be taken to have become the basis of the action for its own sake [...] without regard to the actor's own attitude to the value or lack of value of the content of the command as such.²¹

This form of obedience to the ruler is characteristic of a state society, and can be associated with an absolute way of thinking. In its ideal

¹⁸ Brian V. Street, *Literacy in Theory and Practice*, Cambridge 1984; Harvey J. Graff, *The Literacy Myth: Literacy and Social Structure in the Nineteenth-Century City*, New York 1979. Cf. Levi-Strauss: "writing seems to favor rather the exploitation than the enlightenment of mankind" (cited in Michael Harbsmeier, "Writing and the Other: Travellers' Literacy, or Towards an Archaeology of Orality", in K. Schousboe and M. T. Larsen (ed.), *Literacy and Society*, Copenhagen 1989, p. 199).

¹⁹ M. T. Clanchy, *From Memory to Written Record*, Oxford 1993, pp. 294–327, cf. Brian Stock, *The Implications of Literacy: Written Language and Models of Interpretation in the Eleventh and Twelfth Centuries*, New Jersey 1982). Goody does not deny that state formation can be an important factor in connection with a transition like this (Goody 1996, pp. 12, 31), but he still maintains that writing is the crucial factor behind this transition (Goody and Watt 1968, p. 67; Goody 1977, pp. 146–51; Goody 1987, p. 261). This issue has been discussed with insight by Sylvia Scribner and Michael Cole, *The Psychology of Literacy*, Cambridge 1981.

²⁰ Max Weber, *Economy and Society*, Vol. I, Berkeley and London 1978, p. 53.

²¹ *Ibid.*, p. 215.

type, loyalty to the ruler will be constant in time and place in that his presence is generalized and internalized to the extent that his physical presence or use of coercion is not necessary for achieving obedience. The loyalty is absolute in terms of both its content, in that it is based on clearly defined rules, and its form, in that it is administered in a consistent and uniform manner. The king is predictable and omnipresent in his exercise of power.

Contextual loyalty, on the other hand, is situational. Both the assessment of what constitutes loyalty and the application of this norm in practice are connected to the concrete situation in which it is activated. This does *not* mean that there are no norms for loyalty in such a society, but that the norms are not fixed unambiguously regardless of context. Attachment to the king may form an important disposition to act, but it just provides one of many guidelines for how a person should act in a given situation. This perception of loyalty is typical of a pre-state society, where the appraisal and administration of norms is not centralized or standardized. Because the king's presence is not firmly internalized in his subjects, his personal presence is crucial for achieving subordination, and because his exercise of power takes place in encounters with his subjects, unpredictability is necessary to create the element of fear on which his domination must rest. It is important to specify, however, that unpredictability is not synonymous with arbitrariness. In a contextual mode of thought, unpredictability is not a deviation from normality; it is a part of it.

A contextual mode of thought is typical of a society with an ambulatory kingship. According to Jack Goody, the significance of meetings between prince and subjects is very great in oral cultures because "they ratify in a face-to-face situation, in direct communication, the relations of super- and sub-ordination that exist across the kingdom".²² Yet such meetings take place in an ambiguous manner. On the one hand, the king's superiority is accentuated by the way matters are submitted to his judgement in an atmosphere of "insistence upon gestures of submission".²³ On the other hand, the king is dependent on preserving a

²² Goody 1996, p. 108. In oral cultures "greater emphasis has to be placed on the physical coming together of persons or groups, simply because there is no alternative" (p. 108). Cf. Timothy Reuter, "*Regemque, quem in Francia pene perdidit, in patria magnifice recepit*: Ottonian Ruler Representation in Synchronic and Diachronic Comparison", in Timothy Reuter, *Medieval Politics and Modern Mentalities*, Cambridge 2006 (ed. Janet Nelson), p. 143.

²³ Goody 1996, pp. 108.

good relationship to his subordinates in order to overcome “the tyranny of distance”.²⁴ This is evident from the importance attached to the king’s eliciting and consideration of advice on matters that have to be settled.²⁵ This gives rise to a kind of complementarity between the ritual submission displayed to the king at such meetings, and the weak authority he otherwise possesses.²⁶

The enormous difference between the king’s authority in his presence and in his absence must be interpreted in large measure as an expression of royal powerlessness in a weakly developed state. But it is not sufficient to explain the difference solely as a reflection of weak royal power. The differences should also be viewed in connection with a contextual perception of loyalty. What is perceived as loyalty is indissolubly linked to concrete situations, and cannot be abstracted as a universal norm. Differences between theory and practice, and between absent and present kings, can therefore also be interpreted as signs that the exercise of power is more focused on ritual declarations of loyalty than on consistent and standardized application of such demands for loyalty. The king’s demands are unpredictable because they are not restricted by a legal framework or proclaimed with a view to universal validity.

The anthropological turn and Norwegian research on the High Middle Ages

Around 1970 what has been described as an anthropological turn appeared in the discipline of history.²⁷ In medieval research it would be more precise to call this a legal anthropological turn, although it does not constitute a strictly defined “school”. This trend has particularly focused on French society in the period *c.* 900–1200, but it has gradually expanded into several other fields. In the following I shall provide a survey of legal anthropological historiography since around 1970, bringing out what I perceive as three important characteristics:

²⁴ Ibid., pp. 110–11.

²⁵ This results in a judgement that is “more an exercise in political judgement than a way of deciding on rights and wrongs according to some strictly defined code” (ibid.).

²⁶ Ibid., p. 167. Cf. Reuter 2006, p. 133.

²⁷ Georg G. Iggers, *Historiography in the Twentieth Century*, Hannover 1997, pp. 105, 123; Peter Burke, *The French Historical Revolution: the Annales School 1929–89*, Cambridge 1990; Burke, *History and Social Theory*, Cambridge 1999 (orig. 1992), pp. 38–43; Lynn Hunt (ed.), *The New Cultural History*, Berkeley 1989, pp. 10–13.

its emphasis on a consensual perspective, continuity in the development of society, and an actor-oriented approach. In addition I shall examine the various main themes and fields in which this approach has been used. I then discuss the legal anthropological trend in the light of the critique that has been levelled against it, before I finally examine how it has been and can be applied to the High Middle Ages in Norway.

Legal anthropological history

In a short article from 1970 the American historian Fredric Cheyette claimed that the exercise of power and the resolution of conflicts in territories with a weak central power were not based on principles and fixed rules of objectivity and impartiality, but on compromise and arbitration, where the crucial thing was to arrive at a solution acceptable to all parties.²⁸ In many ways this article marked the start of an approach to medieval society inspired by legal anthropology. This perceptive entailed an alternative understanding of societies with weak or non-existent central power. The anthropologists Simon Roberts and John Comaroff opposed the assumption of legal historians that a legal system can be isolated from social processes, and that laws must be administered by a coercive power. Inspired by Malinowski's society without "courts and constables", they claimed that the question of social order in African societies cannot be studied from an institutional perspective, but must be analysed in its total social context, in which conflicts are not a sign of the breakdown of order but normal occurrences in society.²⁹

The legal anthropological approach represented a breach with the French *Annales* tradition, in which the period between the Carolingian collapse and the consolidation of the Capetians was perceived as a "feudal anarchy" when public order had broken down. In *Feudal Society* Marc Bloch made a distinction between a first and a second

²⁸ Fredric L. Cheyette, "Suum Cuique Tribuere" (Giving Each His Due), in L. K. Little and B. H. Rosenwein (ed.), *Debating the Middle Ages: Issues and Readings*, Oxford 1998(b), pp. 170–79, here p. 172 (originally published in *French Historical Studies* 6, 1969–70, pp. 287–99).

²⁹ Simon Roberts and John L. Comaroff, *Rules and Processes: The Cultural Logic of Dispute in an African Context*, Chicago and London 1981, pp. 1–21. See also Simon Roberts, *Order and Dispute: An Introduction to Legal Anthropology*, Harmondsworth 1979; Laura Nader and Harry Todd Jr. (ed.), *The Disputing Process. Law in Ten Societies*, New York 1978; J. Starr and J. F. Collier, *History and Power in the Study of Law*, Ithaca and London 1989.

feudal period, the former lasting from the end of the ninth century to *c.* 1050, characterized by “a general state of insecurity”, intensified by “spasms of social disorder”.³⁰ Georges Duby nuanced Bloch’s view, arguing that the transition to the second feudal period with a greater degree of order and stability should be placed later (between 980 and 1130 in Mâconnaise).³¹ The actual hypothesis of a period of collapse was not questioned, however, but rather reinforced by later French historians like Pierre Bonnassie, Jean-Pierre Poly and Eric Bournazel, and Guy Bois.³² The latter describes the years around 1000 as a state of anarchy, when “violence simmered, reflecting a state of exasperation, a sort of last ditch struggle on the part of men with their backs against the wall”.³³

In the 1990s a debate in *Past and Present* about “the feudal revolution” brought together historians inspired by the *Annales* tradition and those who favoured a legal anthropological perceptive. The American historian Thomas Bisson began the debate by underlining the contrast between the Carolingian era and the subsequent feudal dissolution, which he believed was characterized by arbitrary rule and affective use of force.³⁴ In a response Stephen D. White pointed out the problematic and anachronistic distinction between public and private spheres in this period. He also doubted whether force was used arbitrarily, and declared that violence must be regarded as an instrumental and limited element of feuds.³⁵ Dominique Barthélemy, Chris Wickham, and Timothy Reuter also wrote replies to Bisson in this debate, which helped clarify the different outlooks.³⁶

³⁰ Marc Bloch, *Feudal Society* I, London 1975 (orig. 1940), pp. 61, 60.

³¹ Georges Duby, *La société aux XI^e et XII^e siècles dans la région Mâconnaise*, Paris 1988 (orig. 1953).

³² Pierre Bonnassie, *From Slavery to Feudalism in South-Western Europe*, Cambridge 1991; Jean-Pierre Poly and Eric Bournazel, *The Feudal Transformation 900–1200*, New York 1991, and Guy Bois, *The Transformation of the Year One Thousand: The Village of Lournand from Antiquity to Feudalism*, Manchester 1992. In these works the transformation is also linked to a switch from a society consisting of slaves and free peasants to one with villeins.

³³ Bois 1992, p. 147.

³⁴ Thomas N. Bisson, “The ‘Feudal Revolution’”, *Past and Present* 142, 1994, pp. 6–42.

³⁵ Stephen D. White, “The ‘Feudal Revolution’”, *Past and Present* 152, 1996, pp. 205–23. Cf. White, *Custom, Kinship and Gifts to Saints: The Laudatio Parentum in Western France, 1050–1150*, London 1988, pp. 177–210 on the private–public distinction, and Guy Halsall, “Introduction”, in *Violence and Society in the Early Medieval West*, Woodbridge 1998, pp. 7–12 on violence.

³⁶ Dominique Barthélemy, “The ‘Feudal Revolution’”, *Past and Present* 152, 1996, pp. 196–205; Timothy Reuter, “The ‘Feudal Revolution’”, *Past and Present* 155, 1997, pp. 177–95; Chris Wickham, “The ‘Feudal Revolution’”, *Past and Present* 155, 1997,

In later works Dominique Barthélemy, Stephen White, Patrick Geary and Richard Barton have analysed this transition more closely and emphasized that the development of society between the Carolingians and the Capetians displayed considerable continuity. In their opinion, the changes in the period did not primarily consist in a real increase in the use of violence, but rather in the emergence of a new discourse about violence, where the monasteries used the term “evil customs” (*malae consuetudines*) as part of a strategy in their struggle against lords over land rights.³⁷ Thus, compared with the *Annales* school, distinctive features of the legal anthropological tradition are that it attaches more importance to consensus than to conflict, and to continuity more than change in the development of French society in the period c. 900–1200. Furthermore, it puts a stronger emphasis on power in a Foucauldian sense, and on analysing law as embedded in society, inspired by Mauss’s concept of a “total social fact”.³⁸

pp. 196–208; Thomas Bisson, “The ‘Feudal Revolution’”, *Past and Present* 155, 1997, pp. 208–225. Interestingly, in this debate the “French” view was defended by the American Thomas Bisson, while the “American” outlook was defended by (among others) the Frenchman Dominique Barthélemy. Excellent introductions to the legal anthropological history are provided by Warren C. Brown and Piotr Górecki, “What Conflict Means: The Making of Medieval Conflict Studies in the United States, 1970–2000”, in W. Brown and P. Górecki, *Conflict in Medieval Europe: Changing Perspectives on Society and Culture*, Aldershot 2003, pp. 1–36; Kim Esmark, “Feudalisme og antropologi. Nye perspektiver på magt, orden og konfliktregulering i højmiddelalderen”, *SHT* 1 2006, pp. 3–22.

³⁷ Dominique Barthélemy, *La mutation de l’an mille a-t-elle eu lieu?*, Paris 1997; Stephen D. White, “A Crisis of Fidelity in c. 1000?”, in I. Alfonso (ed.), *Building Legitimacy: Political Discourses and Forms of Legitimacy in Medieval Societies*, Leiden 2004, pp. 27–49; Patrick J. Geary, *Phantoms of Remembrance: Memory and Oblivion at the End of the First Millennium*, New Jersey 1994(b), p. 24; Richard E. Barton, *Lordship in the County of Maine, c. 890–1160*, Woodbridge 2004, pp. 138–45. Continuity in this period has also been underlined by Fredric L. Cheyette, “Some reflections on violence, reconciliation and the Feudal revolution”, in Brown and Górecki 2003, pp. 243–64; Hans-Werner Goetz, “Protection of the Church, Defense of the Law, and Reform: On the Purposes and Character of the Peace of God, 989–1038”, in T. Head and R. Landes (ed.), *The Peace of God. Social Violence and Religious Response in France around the Year 1000*, Ithaca and London 1992, pp. 259–79.

³⁸ On the concept of power, see Stephen D. White, “Proposing the Ordeal and Avoiding It: Strategy and Power in Western French Litigation, 1050–1100”, in T. N. Bisson (ed.), *Cultures of Power: Lordship, Status, and Process in Twelfth-Century Europe*, Philadelphia 1995, pp. 90–91; William Ian Miller, *Bloodtaking and Peacemaking*, Chicago 1990, pp. 245–46. On the neglect of power in the *Annales* school, see Lynn Hunt, “French History in the Last Twenty Years: The Rise and Fall of the *Annales* Paradigm”, Stuart Clark (ed.), *The Annales School. Critical Assessments*, Vol. I, London and NY 1999, p. 35. On “total social fact”, see Marcel Mauss, *The Gift: Forms and Functions of Exchange in Archaic Societies*, London 1990 (orig. 1925). Inspiration from Mauss is evident in lots of studies on gift exchange, see note 17, p. 318. Law as embedded in society is a main point in

One further aim of legal anthropology was to challenge the supposition that obedience to rules forms the foundation of society. Societies do have rules in the form of norms stipulating what behaviour is considered good and bad, but such rules are seldom or never all-encompassing or compelling. This means that conflicts cannot properly be considered as deviations or crises in the system, but rather as part of it. For Comaroff and Roberts the focus on process rather than order was part of a critique of structuralist anthropology for its neglect of the significance of actors' scope for action.³⁹ This critique has been formulated most explicitly by the sociologist and anthropologist Pierre Bourdieu. He illustrates this with the example of Marcel Mauss's famous analysis of gift exchange. Even though the overall pattern of gift-giving and reciprocation is clear, in every single instance of gift-giving, the actors are confronted with a multiplicity of choices. The gift as seen from outside brings the system to the fore, whereas analysis of the gift as it is experienced highlights the strategy and the element of choice involved.⁴⁰

Historians in the legal anthropological tradition have criticized the history of mentality for similar issues. This tradition has done much to widen the scope and methods of historical enquiry, but the concept of mentality has tended to become a straitjacket, reducing human intentionality and choice towards becoming mere epi-phenomena of rule-governed, unconsciously motivated behaviour.⁴¹ Historians inspired by legal anthropology have stressed the significance of the actors' strategic latitude in conflict resolution. Chris Wickham, for example, points out in his analysis of conflict resolution in Tuscany in the twelfth century that the actors had a number of possible steps they could take in a conflict situation:

They could feud, or go to private arbitration, or go to local private (signorial) courts, or to city tribunals, or (if clerics) to the papal curia, or even, occasionally, to the emperor and his representatives. They could

White 1978, p. 308; cf. also the challenge put forwards in Paul Hyams, "Nastiness and Wrong, Rancor and Reconciliation", in Brown and Górecki 2003, p. 217.

³⁹ Comaroff and Roberts 1981, pp. 5–21.

⁴⁰ Pierre Bourdieu, *Outline of a Theory of Practice*, Cambridge 1977, p. 5. Cf. also Bourdieu, *The Logic of Practice*, Cambridge 2005 (orig. 1990), pp. 98–111.

⁴¹ Christian Kvium, "Anderledeshed og historie", *Studier i historisk metode* 19, 1987; Erling Sandmo, *Slagsbrodre: En studie av vold i to norske regioner i tiden fram mot eneveldet*, Oslo 1997, pp. 41–58; Roger Chartier, "Intellectual History and the History of *Mentalités*", *Cultural History*, Cambridge 1988, pp. 19–52; Peter Burke, *Varieties of Cultural History*, Cambridge 1997, pp. 162–82.

appeal from these to emperor, pope, or city, if they could get away with it. They could employ Lombard and feudal or Roman or canonist or city-communal or local and customary legal norms, arguments, and rituals, or they could mix them up, whether consciously or not. They could play off force, arbitration, and court decisions against each other, both as disputing strategies and in the framework of legal arguments itself.⁴²

There may have been exceptionally many alternatives to choose from in Tuscany, but the actual possibility of choosing a strategy was not unique for this region. In other places, such as France and Iceland, both formal legal and extra-judicial elements such as revenge and reconciliation were combined in different ways.⁴³ We can therefore conclude that the legal anthropological approach, much more than the history of mentalities, has emphasized the strategic options open to the actors. Yet this does not mean that the scope for individual strategy was unlimited. In a feud there were clear limits to what it was possible to do, because considerations of honour and reputation made it essential that a person's behaviour was assessed as morally acceptable. Patrick Geary has analysed conflicts from the perspective of norms rather than strategies, and underlines the integrative role of conflicts in pre-state France.⁴⁴

Starting in the 1970s, a number of studies were done in legal anthropological history, mostly American historians writing about French history, with the main theme being conflict resolution and feuds. In the article “‘Pactum...legem vincit et amor iudicium’: The Settlement of Disputes by Compromise in Eleventh-century Western France” from 1978, Stephen White found that the political culture characterized by negotiations and compromise that Cheyette had studied in southern France could also be found in western France, even though the Carolingians there left a greater legacy in terms of a formal judicial apparatus. Although this area had a formal judicial system, conflicts were resolved by settlements rather than court judgements.⁴⁵ In a series of other articles White has substantiated his views in greater depth. In “Feuding and Peace-making in the Touraine around the Year 1100” he undertook a critical discussion of the application of anthropological models to medieval society, warning against exaggerating the similarities,

⁴² Chris Wickham, *Courts and Conflict in Twelfth-century Tuscany*, Oxford 2003, pp. 4–5.

⁴³ Cf. Barton 2004, p. 176, Miller 1990.

⁴⁴ Geary 1994.

⁴⁵ White 1978.

while simultaneously arguing that the overall political culture of feuds and compromise may be a shared feature.⁴⁶ Patrick Geary, in his article “Living with Conflicts in Stateless France: A Typology of Conflict Management Mechanisms, 1050–1200”, pointed out how feuds were normal occurrences in eleventh- and twelfth-century France, and discussed various characteristics of such feuds.⁴⁷

In addition to feuds and conflict resolution, a number of other themes have been introduced and explored by historians inspired by legal anthropology. Analyses of ownership transactions have been among the most innovative fields, where the pioneering works have been studies of donations to monasteries by Stephen White, Barbara Rosenwein, Emily Tabuteau, Annette B. Weiner and Arnoud-Jan Bijsterveld from the late 1980s. A major point in these studies was that property could not meaningfully be isolated as a separate category, but was part of the total social context, where it was an element in the long-term and reciprocal relationship between the donor, the monastery, and the monastery’s saint.⁴⁸ In a Nordic context Catharina Andersson has recently shown how monastic donations and the placing of daughters in convents in Sweden can be regarded as parts of a “total” exchange of gifts.⁴⁹

A related theme concerns the relationship to relics and saints. Patrick Geary has analysed practices such as the humiliation of saints and the theft of relics, and shown how the relationship to saints and sanctity was a part of patterns of reciprocity which cannot be studied separately from the rest of the social context.⁵⁰ His studies were followed up by Aron Gurevich, who focused in *Medieval Popular Culture* on the contrast between popular and learned culture, and Lester Little, who has shown

⁴⁶ Stephen D. White, “Feuding and Peace-making in the Touraine around the Year 1100”, *Traditio* 42, 1986, pp. 195–263. See references to other articles elsewhere.

⁴⁷ Geary 1994. Cf. Miller 1990, pp. 179–89; Halsall 1998, pp. 20–21; Hyams 2003, pp. 8–9.

⁴⁸ White 1988; Barbara H. Rosenwein, *To Be the Neighbor of Saint Peter: The Social Meaning of Cluny’s Property, 909–1049*, Ithaca and London 1989; Emily Tabuteau, *Transfers of Property in Eleventh-Century Norman Law*, Chapel Hill 1988; Annette B. Weiner, *Inalienable Possessions. The Paradox of Keeping-While-Giving*, Berkeley and LA 1992; Arnoud-Jan Bijsterveld, “The Medieval Gift as Agent of Social Bonding and Political Power: A Comparative Approach”, in E. Cohen and M. de Jong (ed.), *Medieval Transformation. Text, Power, and Gifts in Context*, Leiden 1991, pp. 123–56.

⁴⁹ Catharina Andersson, *Kloster och aristokrati: Nunnor, munkar och gåvor i det svenska samhället till 1300-talets mitt*, Göteborg 2006. Cf. also Anders Emanuelsson, *Kyrkojorden och dess ursprung. Oslo biskopsdöme perioden ca 1000–ca 1400*, Göteborg 2005.

⁵⁰ Patrick J. Geary, “Humiliation of Saints”, in Geary 1994, pp. 95–115; Geary, *Furta Sacra: Thefts of Relics in the Central Middle Ages*, New Jersey 1990 (orig. 1978).

how maledictions (*clamor*) in a two-hundred-year period after 1000 were detached from secular institutional frameworks and connected to a combination of spiritual and popular practice.⁵¹ Kim Esmark has extended and nuanced Geary's insights into gift-giving and humiliation of saints in a broadly based study from Anjou.⁵²

A final field worth mentioning is the study of emotions. Researchers such as Lester Little and Paul Hyams have accepted the main features of Norbert Elias's theory of the civilizing process, while others have been sceptical about the premises on which Elias builds.⁵³ Barbara Rosenwein has elaborated her critique in several books and articles. Her chief objection to the civilization theory is that it presents a "hydraulic" theory, in which emotions are regarded as natural instincts, and where the primary role of culture is to put up barriers to check such unbridled drives.⁵⁴ Against this Rosenwein advocates a constructivist theory of emotions, regarding emotions not as natural but created, and people not as at the mercy of their feelings. In addition, she claims that emotions are not subject to any all-embracing regime, but can be restricted to more specific "emotional communities".⁵⁵ Scholars like Stephen White, Gerd Althoff, and Richard Barton have in part gone even further than Rosenwein in asserting that emotions are used strategically by actors.

⁵¹ Aron Ya. Gurevich, *Medieval Popular Culture*, Cambridge 1988; Lester K. Little, *Benedictine Maledictions: Liturgical Cursing in Romanesque France*, Ithaca and London 1993.

⁵² Kim Esmark, *De hellige dode og den sociale orden: Relikviekult, ritualisering og symbolsk magt, Anjou 10–12. århundrede*, Roskilde 2002. See also Geoffrey Koziol, "Monks, Feuds and the Making of Peace in Eleventh-Century Flanders", in Head and Landes 1992, pp. 239–58; Lisa M. Bitel, "Saints and Angry Neighbors: The Politics of Cursing in Irish Hagiography", in Sharon Farmer and Barbara H. Rosenwein (ed.), *Monks and Nuns, Saints and Outcasts. Religion in Medieval Society*, Ithaca and London 2000, pp. 123–50.

⁵³ Lester K. Little, "Anger in Monastic Curses", in B. H. Rosenwein (ed.), *Anger's Past: The Social Uses of an Emotion in the Middle Ages*, Ithaca and London 1998, pp. 9–35; Paul Hyams, "What Did Henry III of England Think in Bed and in French about Kingship and Anger?", in Rosenwein 1998, pp. 92–124; Barbara H. Rosenwein, "Controlling Paradigms", in Rosenwein 1998, pp. 233–47.

⁵⁴ Barbara H. Rosenwein, "Writing without Fear about Early Medieval Emotions", *Early Medieval Europe* 10, 2001, pp. 229–34; "Worrying about Emotions in History", *American History Review* 107, 2002, pp. 821–45; *Emotional Communities in the Early Middle Ages*, Ithaca and London 2006. The close link between the civilizing theory and Freud's theory of the id, ego, and superego has been pointed out, in that the role of culture primarily consists of the development of the superego.

⁵⁵ Rosenwein 2006. Rosenwein emphasizes that such "emotional communities" can be rather small and change quite quickly. See also the critique of Elias in Daniel Lord Smail, *The Consumption of Justice: Emotions, Publicity, and Legal Culture in Marseille, 1264–1423*, Ithaca 2003.

White has claimed that “displays of anger are essential elements in a ‘technology of power’”.⁵⁶

In the debate about “the feudal revolution” Timothy Reuter pointed out that European history is often equated with French history.⁵⁷ Reuter was a representative of a supranational, comparative, and interdisciplinary outlook on state development, not hesitating, for example, to highlight the similarities between the kingdom of Bali (based on Clifford Geertz’s analyses) and the Holy Roman Empire.⁵⁸ Like his teacher Karl Leyser, Reuter was concerned with how princes in the Middle Ages ruled by travelling round and meeting magnates and peasants.⁵⁹ German historiography has otherwise often had a focus on formal institutions, a notable exception being Gerd Althoff, who has devoted a number of studies to analysing the rules of the political game in the Holy Roman Empire.⁶⁰ A key concept for Althoff is rituals: “The omnipresence of rituals and ritual behaviour is an essential feature of communication in the middle ages.”⁶¹ It was crucial that political decisions in the Empire were made publicly, and because there were few mechanisms for handling conflict in such situations, it was important that the actors had planned the course of action in advance. Such events thereby took on a powerful ritual character. Althoff has been criticized for making the actors too rational and the encounters too ritualized, but he has

⁵⁶ Stephen D. White, “The Politics of Anger”, in Rosenwein 1998, p. 151; Gerd Althoff, “Prolegomena to a History of Royal Anger”, in Rosenwein 1998, pp. 59–74; Richard E. Barton, “‘Zealous Anger’ and the Renegotiation of Aristocratic Relationships in Eleventh- and Twelfth-century France”, in Rosenwein 1998, pp. 153–70. Comaroff and Roberts (1981, pp. 15–17) warn against going to the opposite extreme of a rule-centered paradigm by making the interest-governed actor into a kind of suprahistorical entity.

⁵⁷ Reuter 1997, pp. 187–95.

⁵⁸ Reuter 2006, pp. 131–32.

⁵⁹ Timothy Reuter, *Germany in the Early Middle Ages, c. 800–1056*, London and New York 1991, and a number of articles in Reuter 2006; Karl J. Leyser, *Rule and Conflict in an Early Medieval Society: Ottonian Saxony*, Bloomington and London 1979; see also John W. Bernhardt, *Itinerant Kingship and Royal Monasteries in Early Medieval Germany, c. 936–1075*, Cambridge 1993.

⁶⁰ Gerd Althoff, *Family, Friends and Followers: Political and Social Bonds in Medieval Europe*, Cambridge 1994 (German original 1990); Althoff 1997. Otto Brunner may be regarded as an exception to this formal approach with his *Land and Lordship: Structure and Governance in Medieval Austria*, Pennsylvania 1992 (orig. 1939).

⁶¹ Gerd Althoff, “The Variability of Rituals in the Middle Ages”, in G. Althoff, J. Fried and P. J. Geary (ed.), *Medieval Concepts of the Past. Ritual, Memory, Historiography*, Washington and Cambridge 2002, p. 86.

specified that he does not believe that rituals were totally fixed, and that this type of political rituals chiefly concerned the upper political strata of the population.⁶²

In English historical research the focus has likewise been largely on formal institutions. This can partly be explained by the fact that England in the Middle Ages was Europe's most centralized kingdom, with a high degree of bureaucracy from an early stage.⁶³ In recent years, however, several historians have questioned how well the formal apparatus of government functioned in practice. John Gillingham and Robert Bartlett have clarified how important favourites and patron-client networks were for the Angevin kings, and both have stressed how dependent the kings were on military and political success to assert their authority.⁶⁴ But the most extensive revision has come from Paul Hyams, who questioned in *Rancor and Reconciliation in Medieval England* the whole view of "growth and decay" in English medieval history. In his opinion, we must be much more sceptical about how far the kings of the High Middle Ages managed to control the population through formal institutions than has been usual:

England remained a vengeance culture throughout the three centuries of this book and beyond [from 1066], despite more than one major attempt to transform its ideology of order.⁶⁵

By extension, Hyams believes that the late medieval "bastard feudalism" should not be studied as a departure or "decay" from a more centralized exercise of office, but as a continuous aspect of the exercise of power in the Middle Ages.⁶⁶

British scholars have also made important contributions to European history which have an affinity to the legal anthropological turn. In *Fiefs*

⁶² Althoff 2002. Althoff and others have recently been criticized for functionalistic use of the concept of rituals by Philippe Buc (cf. pp. 24–25 for further references). For surveys of the literature on rituals, see Catherine Bell, *Ritual: Perspectives and Dimensions*, NY Oxford 1997; Esmark 2002, pp. 49–66.

⁶³ See for example James Campbell, "The Late Anglo-Saxon State: A Maximum View", *Proceedings of the British Academy* 87, 1995, pp. 39–65. An exception to this kind of formalistic approach was J. E. A. Jolliffe, *Angevin Kingship*, London 1955.

⁶⁴ John Gillingham, *The Angevin Empire*, London 1984; Robert Bartlett, *England under the Norman and Angevin Kings, 1075–1225*, Oxford 2000.

⁶⁵ Paul R. Hyams, *Rancor and Reconciliation in Medieval England*, Ithaca and London 2003, p. xix.

⁶⁶ Hyams 2003, pp. 255–64. See also D. A. Carpenter, "The Second Century of English Feudalism", *Past and Present* 168, 2000, pp. 30–71; Michael Hicks, *Bastard Feudalism*, London 1995.

and *Vassals* from 1994 Susan Reynolds claimed that feudal society, as portrayed in the tradition of Bloch and Ganshof, was based on a construction elaborated by Italian lawyers many centuries after the so-called feudal society had dissolved.⁶⁷ The two important collections of articles, *Settlement of Disputes in Early Medieval Europe* and *Property and Power in the Early Middle Ages*, edited by Wendy Davies and Paul Fouracre, should also be mentioned, along with the many studies by Janet Nelson of rituals in the Early Middle Ages.⁶⁸

In Scandinavia the legal anthropological approach to conflict resolution has had its greatest impact in the study of the Icelandic sagas. Around 1970 the protracted debate between the free-prose and the book-prose theorists was interrupted by a new approach to the sagas asking completely different questions. The Russian historian Aron Gurevich devoted several articles to anthropologically inspired themes such as exchange of gifts and world-view in the sagas.⁶⁹ In “An Anthropological Approach to the Icelandic Saga” from 1971 the anthropologist Victor Turner analysed the sagas as “social dramas”,⁷⁰ and the following year saw the publication of Kåre Lunden’s *Økonomi og samfunn*, where he introduced the anthropologist Karl Polanyi’s concepts of reciprocity and redistribution in the study of medieval Norway and Iceland.⁷¹ The Russian

⁶⁷ Susan Reynolds, *Fiefs and Vassals: The Medieval Evidence Reinterpreted*, Oxford 1994. Reynolds built on the critique by Elisabeth A. R. Brown (“The Tyranny of a Construct: Feudalism and Historian of Medieval Europe”, *American Historical Review* 79, 1974, pp. 1063–88). Reynolds herself has been criticized, however, for operating with anachronistic concepts, and for pursuing hypercritical nominalism (Fredric Cheyette, review of Susan Reynolds’s *Fiefs and Vassals*, *Speculum* 71, 1996, pp. 998–1006).

⁶⁸ Wendy Davies and Paul Fouracre (ed.), *Settlement of Disputes in Early Medieval Europe*, Cambridge 1986; Davies and Fouracre (ed.), *Property and Power in the Early Middle Ages*, Cambridge 1995; Janet Nelson, *Politics and Ritual in Early Medieval Europe*, London and Ronceverte 1986.

⁶⁹ Aron Ya. Gurevich, “Wealth and Gift-bestowal among the Ancient Scandinavians”, *Scandinavica* 7, 1967; “Space and Time in the *Weltmodell* of the Old Scandinavian Peoples”, *Medieval Scandinavia* 2, 1969.

⁷⁰ Victor W. Turner, “An Anthropological Approach to the Icelandic Saga”, in T. O. Beidelman (ed.), *The Translation of Culture*, London 1971, pp. 349–74. Cf. Else Mundal (ed.), *Sagadebatt*, Oslo 1975, and Jón Viðar Sigurðsson, “Allir sem sjá líta ekki jafnt á: Sagnaritun um íslenskar miðaldir fram um 1300”, *Saga* 38, 2000, pp. 33–57, for historiographical surveys.

⁷¹ Kåre Lunden, *Økonomi og samfunn*, Oslo 1972, see especially pp. 38–50.

philologist M. I. Steblin-Kamenskij, in his controversial *The Saga Mind* made a break with traditional approaches to the sagas.⁷²

Yet it was not until the following decade that the legal anthropological trend really gained a foothold in Icelandic research. In the 1980s the American legal historian William Miller wrote a series of articles in which he used the Icelandic sagas as sources for a culture characterized by feuds and settlements.⁷³ At the same time the more philologically oriented Jesse Byock wrote books partly inspired by Theodore Andersson's studies of feuds, and partly drawing on legal anthropological theory about what he called Iceland's "consensual governance".⁷⁴ This marked the start of a series of studies of Icelandic society in the commonwealth period. Among the most important scholars were the anthropologist Kirsten Hastrup and the philologist Preben Meulengracht Sørensen, who primarily analysed the structures of this pre-state society, while the historians Jón Viðar Sigurðsson and Helgi Þorláksson, and the anthropologist E. Paul Dürrenberger devoted more attention to the dynamic character of the society.⁷⁵

In other Scandinavian research on the Middle Ages the legal anthropological approach has had little or limited impact. In Swedish research Thomas Lindkvist has questioned the prevailing modernist view of the medieval state,⁷⁶ but it is chiefly his students Lars Hermanson, Auður

⁷² M. I. Steblin-Kamenskij, *The Saga Mind* (transl. by Kenneth H. Ober), Odense 1973.

⁷³ William Ian Miller, "Choosing the Avenger: Some Aspects of the Bloodfeud in Medieval Iceland and England", *Law and History Review* 1, 1983, pp. 159–204; "Avoiding Legal Judgment: The Submission of Disputes to Arbitration in Medieval Iceland", *American Journal of Legal History* 28, 1984, pp. 95–134; "Gift, Sale, Payment, Raid: Case Studies in the Negotiation and Classification of Exchange in Medieval Iceland", *Speculum* 1986, pp. 18–50. Many of the findings were summed up and amplified in the book *Bloodtaking and Peacemaking*, Chicago 1990.

⁷⁴ Jesse L. Byock, *Feud in the Icelandic Saga*, Berkeley 1982, and *Medieval Iceland*, Berkeley 1988.

⁷⁵ Kirsten Hastrup, *Culture and History in Medieval Iceland*, Oxford 1985; Hastrup, *Islands of Anthropology*, Odense 1990; Preben Meulengracht Sørensen, *Fortælling og ære: Studier i islendingasagaerne*, Oslo 1995 (orig. 1993); Meulengracht Sørensen, *Saga og samfund*, Copenhagen 1977; Jón Viðar Sigurðsson, *Goder og maktforhold på Island i fristatstiden*, doctoral dissertation in history, Bergen 1993 (published as *Chieftains and Power in the Icelandic Commonwealth*, Odense 1999); E. Paul Dürrenberger, *The Dynamics of Medieval Iceland*, Iowa 1992. Many important contributions can be found in the collection of articles edited by Gísli Pálsson, *From Sagas to Society: Comparative Approaches to Early Iceland*, Hisarlik 1992.

⁷⁶ Lindkvist has stressed the continuity in Sweden from the ambulating royal power of the Middle Ages, based on plunder and irregular levies, to the tax-collecting kingship

Magnúsdóttir, and Catharina Andersson who have used approaches inspired by legal anthropology, the latter of whom has analysed Swedish history.⁷⁷ In Denmark, Michael Gelting has written a series of articles emphasizing the significance of a comparative perspective and criticized the traditional state-building thesis,⁷⁸ and in the wake of Niels Lund's dissertation *Lið, leding og landeværn* there has been an interesting debate about the relationship between the king and magnates in the Early Middle Ages.⁷⁹ But in Danish research it is chiefly Lars Hermanson's analysis of elite networks in Saxo that has drawn on a legal anthropological perspective.⁸⁰ In addition, the two recent collections of essays, *Ett annat 1100-tal* about Danish history and *Feider og fred i nordisk middelalder* should be mentioned.⁸¹ Before I discuss the use and usefulness of the legal anthropological turn in research on the High Middle Ages in Norway, it is necessary to look more closely at the critique which has been levelled against this trend.

Research with a legal anthropological orientation has mainly focused on the period from *c.* 900 to *c.* 1200. This is natural, since that was the time in European history when the state was at its weakest, and which is consequently best suited for comparison with stateless societies elsewhere in the world. The question is, however, what characterizes the transition to a more centralized society in the High Middle Ages,

of the High Middle Ages (*Plundring, skattar och den feodala statens framväxt: Organisatoriska tendenser i Sverige under övergången från vikingatid till tidlig medeltid*, Uppsala 1988).

⁷⁷ Lars Hermanson *Släkt, vänner och makt: En studie av elitens politiska kultur i 1100-talets Danmark*, Göteborg 2000; Auður Magnúsdóttir: *Frillor och fruar: politik och samlevnad på Island 1120–1400*, Göteborg 2001; Andersson 2006.

⁷⁸ Michael H. Gelting, "Europæisk feudalisme og dansk 1100–1200-tal", *Køngemagt og samfund i middelalderen. Festskrift til Erik Ulsig*, Århus 1988, pp. 3–17; Gelting, "Det komparative perspektiv i dansk høymiddelalderforskning: Om Familia og familie [Paludan], Lið, Leding og Landeværn", *DHT* 99, 1999, pp. 146–88.

⁷⁹ In his dissertation Niels Lund launched the hypothesis that the Danish *leiðangr* organization was not so old and not so clearly controlled by the king as the high medieval legislation stipulated (*Lið, leding og landeværn: Hær og samfund i Danmark i ældre middelalder*, Roskilde 1996). The book occasioned a great deal of debate, cf. the reviews by Esben Albrechtsen (*DHT* 98, 1998) and Gelting (*DHT* 99, 1999), and the response by Niels Lund *DHT* 99, 1999).

⁸⁰ Lars Hermanson concluded, based on Saxo, that it was an elite collective held together through ties of personal friendship, and not institutionalized positions, that was crucial in the political game in high medieval Denmark (Hermanson 2000).

⁸¹ Peter Carelli, Lars Hermanson, and Hanne Sanders (ed.), *Ett annat 1100-tal: Individ, kollektiv och kulturella mönster i medeltidens Danmark*, Göteborg and Stockholm 2004; Erik Opsahl (ed.), *Feider og fred i nordisk middelalder*, Oslo 2007.

and to what extent this marked the emergence of a completely new type society. The legal anthropological turn has emphasized practice at the expense of formal institutions, and thereby often asked how significant the introduction of new formal institutions was in practice. In addition, researchers in this tradition have doubted whether the kings could prevail with as little opposition as is often claimed, for example, in Joseph Strayer's explanation of state development as a result of "the agreement on the need for an authority which can give final judgments, and acceptance of the idea that this authority should receive the basic loyalty of its subjects".⁸² Fredric Cheyette puts it as follows: "There is no reason to believe that individuals (any more than collectives called 'nations') prefer objective neutrality to partiality in their own favour."⁸³ Implicit in this view is the assumption that the transition from a pre-state to a state society was more complicated and less comprehensive than previously believed. But if state development, in Cheyette's words, was "neither smooth nor rapid",⁸⁴ how can we explain it?

This draws attention towards a potentially weak point in the legal anthropological turn. On the one hand, most scholars end their studies before or around 1200 by referring to the major changes taking place after that time. On the other hand, in the emphasis on the pre-state society as a well-functioning society on other premises than in a state society, there lies, by extension, an expectation that a society of this kind cannot just be suddenly replaced by a society with a completely different social structure and political culture. Fredric Cheyette wrote in 1970 that "Capetian administration began to impose its unity across the profound diversities of the countryside" in the thirteenth century, and that this was a process that, "once started, fed in its own momentum".⁸⁵ But if this process was a result of a more profound social change, whereby magnates changed from independent aristocrats into royal officials, it may seem excessively optimistic to claim that "within a matter of decades the whole system was worked out".⁸⁶ Has the anthropological turn deconstructed the "feudal revolution" merely to insert—tacitly or not—a "state revolution" two hundred years later?

⁸² Joseph R. Strayer, *On the Medieval Origins of the Modern State*, London 1972, p. 10.

⁸³ Cheyette 1970, p. 172.

⁸⁴ *Ibid.*, p. 176.

⁸⁵ *Ibid.*, p. 178.

⁸⁶ *Ibid.*

Only a few scholars in the legal anthropological tradition have extended their studies beyond the Early Middle Ages, and of these even fewer have really integrated the strengthening of royal power from the thirteenth century in their analysis. Geoffrey Koziol, in *Begging Pardon and Mercy*, has analysed how French monarchs used spiritual models for conflict resolution in the form of the supplication ritual, but he also shows how this form of conflict resolution simultaneously satisfied the king's more pragmatic need for reconciliation with his opponents.⁸⁷ In *Courts and Conflict in Twelfth-century Tuscany*, Chris Wickham demonstrates how knowledge of Roman law and canonical law did not in itself lead to the transformation of conflict resolution in Tuscany, but that it provided an alternative in a situation where different legal and extra-legal principles were combined in practice, depending on what best served a person's interests.⁸⁸ Gerd Althoff, in his analyses of German-Roman emperors, has found a significant degree of continuity in political rituals right up to the Late Middle Ages, but the consolidation of territorial power in the Empire is in many ways untypical, since took place at the level of the princes, not that of the emperor.⁸⁹ In *The Consumption of Justice* Daniel Lord Smail, unlike most of his colleagues, focuses mainly on the Late Middle Ages, but without discussing the transition in the Early and High Middle Ages.⁹⁰ The only scholar who in my opinion really includes the development of royal power throughout the Middle Ages in his investigation is Paul Hyams, paradoxically in a study of the most centralized kingdom in Europe, England.⁹¹

One reason why historians in the legal anthropological tradition have focused so much on the period before c. 1200, apart from the fact that this period had the weakest central power, may be linked to

⁸⁷ Geoffrey Koziol, *Begging Pardon and Mercy: Ritual and Political Order in Early Medieval France*, Ithaca and London 1992. Cf. also Koziol, "Baldwin VII of Flanders and the toll of Stain-Vaast (1111): Judgment as ritual", in Brown and Górecki 2003, pp. 151–62, on the difference between southern and northern France. Geary stops his investigation in "Living with conflicts..." around 1200, but he does offer an explanation of the subsequent state formation, in that courts based on coercion and originally applied to non-free, were gradually extended to more and more people (Geary 1994, pp. 159–60).

⁸⁸ Wickham 2003. Wickham expresses scepticism about what he calls "the Grand Narrative of the origins and rightful supremacy of the centralized nation state". (p. 7). For a less sceptical attitude, see Little 1993, pp. 230–32.

⁸⁹ Althoff 1994, 1997.

⁹⁰ Smail 2003.

⁹¹ Hyams 2003.

two objections that have been raised against this trend: its tendency to describe society as static and harmonious. The inclination towards a static description of society with functionalistic elements has perhaps been most prevalent in the study of pre-state Iceland. Icelandic family sagas were written mostly in the thirteenth century, but deal with the tenth and early eleventh century. Their historical trustworthiness has been extensively debated in the light of the many hundred years that separate the saga stories from the time of their writing down. Here legal anthropological scholars have adopted a deliberately pragmatic stance, to avoid getting bogged down in detailed discussions of the Icelandic sagas as sources. William Miller writes, for example: “the family sagas are applicable, I judge, to a period beginning roughly around the first decades of the twelfth century and continuing through the end of the commonwealth period.”⁹² However, this emphasis on the sagas as a source for a “saga society” has tended to describe this society as a functionalist system, with less interest in trying to explain the dynamism in it.⁹³ For example, they have paid little attention to the contemporary sagas, which differ clearly from the family sagas in several ways, and which testify to a gradual concentration of power in Iceland during the commonwealth period.⁹⁴ The critique of functionalism is also a major point in Philippe Buc’s *Dangers of Rituals*, where he maintains that rituals have been interpreted too often as integrative mechanisms, instead of being used as sources for rival views of how important events should be presented and interpreted.⁹⁵

⁹² Miller 1990, p. 51, cf. p. 76 on pragmatic use of sources.

⁹³ Preben Meulengracht Sørensen, “Ære, politik og litteratur”, in S. Hansson and M. Malm (ed.), *Gudar på jorden: Festskrift till Lars Lönnroth*, Erslöv 2000, pp. 117, 121; Arnved Nedkvitne, “Beyond Historical Anthropology in the Study of Medieval Mentalities”, *SHJ* 25, 2000, pp. 27–51. One weakness in Nedkvitne’s critique, however, is that he ignores the complexity of Miller’s image of Icelandic society. Of those who have used an anthropological approach, his critique probably strikes hardest at Hastrup.

⁹⁴ Jón Viðar Sigurðsson 1999.

⁹⁵ Philippe Buc, *The Dangers of Ritual: Between Early Medieval Texts and Social Scientific Theory*, Princeton 2001; cf. Jack Goody, “Against ‘ritual’”, in S. F. Moore and B. G. Myerhoff, *Secular Ritual*, Amsterdam 1977, pp. 25–35. See however Alexandra Walsham’s criticism of Buc for attempting a critique on an inconsistent foundation (review of Philippe Buc’s *The Dangers of Ritual, Past and Present* 180, 2003, pp. 277–87). The most serious critique of Buc has been offered by Geoffrey Koziol (“Review article: The dangers of polemic: Is ritual still an interesting topic of historical study?”, *Early Medieval Europe* 4, 2002, pp. 367–88), with a reply by Philippe Buc (“The monster and the critics: a ritual reply”, *Early Medieval Europe* 4, 2007, pp. 441–52). Koziol’s main point is that Buc’s accusations for functionalism is not convincing, as most scholars have taken this danger properly into consideration. For a concept of ritual which stresses its dynamic

The critique of anthropologically oriented historians for exaggerating the “harmonious” aspect of feudal or pre-state society has been formulated by, among others, Warren Brown and Piotr Górecki in *Conflict in Medieval Europe* from 2003.⁹⁶ There they point out that the emphasis on negotiations and compromise does not capture all types of conflicts, but is particularly well suited to analysing conflicts between parties of relatively equal status, in which honour and reputation play a crucial role. But conflicts between lord and peasant, or between king and subjects, rarely unfold as public negotiations; here the norm is rather that they were resolved with the use of force in private settings. What place and role does this type of conflicts have in the predominantly consensual society described by historians inspired by legal anthropology? In addition, it has been objected that these historians overestimate “The Peace in the Feud”, to paraphrase Max Gluckman’s classical article,⁹⁷ and correspondingly underplay the violent and escalating character of feuds.⁹⁸

There is little doubt that this critique is important. There may be good grounds to assume that pre-state/feudal society had an unusually large proportion of conflicts which were waged and settled between equals, but in all societies we find unequal relations, where negotiations about honour are not found as components. The danger of subsuming all conflicts under a negotiation idiom is that vertical relations of coercion and authority are easily ignored or underestimated. To be sure, it should be pointed out that anthropologically oriented historians are not unaware of this coercive aspect. Stephen White warns of the dangers of exaggerating the similarities between medieval society and the societies studied by legal anthropologists, and emphasizes that medieval society was a class society in which most people were excluded from participation in politics. He nevertheless believes that this does not rule out a legal anthropological approach to the Middle Ages, only that it

aspect, see Koziol 1992, pp. 289–324; Bell 1997, pp. 81–83, Esmark 2002, pp. 49–66. The last two prefer the more dynamic term “ritualization” to “ritual”.

⁹⁶ W. C. Brown and P. Górecki, “Where Conflict Leads: On the Present and Future of Medieval Conflict Studies in the United States”, in Brown and Górecki 2003, pp. 265–86.

⁹⁷ Max Gluckman, “The Peace in the Feud”, *Past and Present* 8, 1955, pp. 1–14. Cf. also Jacob Black-Michaud, *Cohesive Force: Feud in the Mediterranean and the Middle East*, Oxford 1975.

⁹⁸ A good discussion of these elements of the feud can be found in Miller 1990, pp. 179–81, and in Helgi Þorláksson, “Feider: begrep, betydning, komparasjon”, in Opsahl 2007, pp. 21–34.

highlights the importance of being aware of the social differences and the methodological limitations.⁹⁹

It is tempting to interpret the accusation directed at legal anthropological historians of a harmonizing description of society as a response to the dominant view of feudal society professed by the *Annales* school. Where Guy Bois writes in *The Transformation of the Year One Thousand* about “twenty terrible years” around 1000, when Carolingian society in southern France underwent “a crescendo of rapine and destruction”,¹⁰⁰ Fredric Cheyette, in *Ermengard of Narbonne and the World of the Troubadours*, describes “twenty years of unremitting warfare” not far from Bois’s society at the start of the thirteenth century, when Ermengard’s society collapsed.¹⁰¹ The doomed society described by Cheyette was far from being a peaceful place. But it was even farther from being a “feudal anarchy”, because it was a society in which the purpose of using violence:

[...] had not been to destroy their enemies; it had been to gain the fidelity of those on the other side, to shift ever so slightly the balance of competing pieces in a chess game without end.¹⁰²

It may be doubted whether Cheyette is completely objective, in the sense of value-neutral, in his description of the society in which Ermengard of Narbonne and the troubadours lived. But perhaps it is precisely because they do not hide their human empathy in their research that Guy Bois and Fredric Cheyette are among the most memorable historians, even though the stances they take lead them in quite different directions.

The legal anthropological approach is not a uniform trend, and it is not free of weaknesses. But it has brought out new perspectives on medieval society, which I will try to use in this study of Norwegian society in the High Middle Ages. It is nevertheless important to be aware that Norway in the thirteenth century was in many ways a different type of society from the decentralized societies that have most often been the subject of analysis in legal anthropology. In addition, this approach hardly has been convincing in explaining the transition from a decentralized to a more centralized society. These are important

⁹⁹ Stephen D. White, “From Peace to Power: The Study of Disputes in Medieval France,” in Cohen and de Jong 1991, pp. 1–14; White 1986, pp. 260–61.

¹⁰⁰ Bois 1992, pp. 149, 136.

¹⁰¹ Fredric Cheyette, *Ermengard of Narbonne and the World of the Troubadours*, Ithaca and London 2003, p. 361.

¹⁰² *Ibid.*, p. 361.

questions to bear in mind when we now switch, first of all, to a discussion of Norwegian historiography, and then to an analysis of the Norwegian source material.

Norwegian high medieval research and the anthropological turn

The character of high medieval kingship has been one of the classic themes of discussion among Norwegian historians in the last hundred years. Marxist-influenced historians like Halvdan Koht, Edvard Bull the Elder, Johan Schreiner, and Andreas Holmsen underlined the king's role as an instrument for the aristocracy in a dominion based on coercion of the peasants.¹⁰³ In 1940 Jens Arup Seip challenged this view, claiming that the kings' power was mainly a result of their legal activity, which served the interests of the peasants.¹⁰⁴ The debate about the character of high medieval kingship was carried on by Knut Helle and Kåre Lunden in the 1970s and 1980s.¹⁰⁵ In 1986 Sverre Bagge tried to reconcile the differing views on state development in the High Middle Ages in a seminal article.¹⁰⁶ The heated debate about the char-

¹⁰³ See e.g. Halvdan Koht, *Innhogg og utsyn i norsk historie*, Kristiania 1921; Koht, *Kong Sverre*, Oslo 1952; Edvard Bull d.e., *Det norske folks liv og historie*, vol. II, Oslo 1931; Andreas Holmsen, *Norges historie fra de eldste tider til 1660*, Oslo 1977 (orig. 1939); Johan Schreiner, *Olav den hellige og Norges samling*, Oslo 1929. The following historiographic information, unless specified otherwise, comes from Ottar Dahl, *Norsk historieforskning i det 19. og 20. århundre*, Oslo 1990 (orig. 1959); Bagge 1996b, pp. 37–77. A shorter survey in English is provided by Sverre Bagge, "The Middle Ages", in W. H. Hubbard *et al.* (ed.), *Making a Historical Culture: Historiography in Norway*, Oslo 1995, pp. 111–31.

¹⁰⁴ Jens Arup Seip, "Problemer og metode i norsk middelalderforskning", in *Problemer og metode...*, Oslo 1983 (orig. 1940), p. 63.

¹⁰⁵ Knut Helle, *Norge blir en stat*, Bergen 1974 (orig. 1965); Kåre Lunden, *Norge under Sverreætten 1177–1319*, Oslo 1976; Lunden, "Det norske kongedømmet i høgmellomaldertiden (ca. 1150–1319): Funksjon, makt, legitimitet", *NHUIV*, pp. 202–13 (orig. 1978); Helle, "Nye og gamle standpunkter på det norske middelaldersamfunnet", *Heimen* 1977, pp. 507–22; Lunden, "Hovudsynspunkt på mellomalderens samfunnet", *Heimen* 1979, pp. 41–53; Helle, "Litt mer om det norske middelaldersamfunnet", *Heimen* 1979, pp. 83–88; Helle, "Norway in the High Middle Ages", *SJH* 6 1981, pp. 161–89; Lunden, "Views and Nonviews on Medieval Norway", *SJH* 7 1982, pp. 165–71; Lunden, *Dialog med fortida*, Oslo 1985. The debate was continued, with the focus on the status of the laws, between Edwin Torkelsen and Grethe Authén Blom on one side ("Fra gammel rett til ny lov: Noen problemer knyttet til nymælens 'gyldighet'" *HT* 63, 1984, pp. 233–86) and Per G. Norseng on the other ("Gammel rett, ny lov—ett fett?", *HT* 66, 1987, pp. 62–81).

¹⁰⁶ Sverre Bagge, "Borgerkrig og statsutvikling i Norge i middelalderen", *HT* 1986, pp. 145–97; Bagge, "State Building in Medieval Norway," *Forum for utviklingsstudier* 1993(b),

acter of kingship has been described as a paradigmatic difference.¹⁰⁷ However, the disagreement has tended to overshadow the more fundamental agreement between the parties about the state development during the period. When Jens Arup Seip established the central topics for Norwegian medieval history as the questions of “how a kingdom comes into existence, and why it is ruined”,¹⁰⁸ he was wholly in line with Marxist, materialistic historians. The question was what kind of character the state formation had, more than whether there had been any state development at all. In both camps there was a tendency to adopt a centralist and institutional perspective, although this tendency is more obvious in Knut Helle than in Kåre Lunden.¹⁰⁹

For a long time the anthropological turn had little impact on Norwegian medieval research, with exception of Kåre Lunden’s previously mentioned *Økonomi og samfunn* from 1972.¹¹⁰ In 1986 Sverre Bagge launched the ideal types “pre-state” and “state” society.¹¹¹ Whereas earlier researchers had described pre-state society as a “kin society”,¹¹² Bagge believed, drawing on anthropological studies, that it was more appropriate to describe it as based on personal bonds, with friendship, neighbour relations, and patron–client relations playing an equally important role as blood ties.¹¹³ In 1991 Bagge published *Society and Politics*

pp. 129–46. Bagge calls the trend represented by Seip and Helle “critical empiricism” (Bagge 1996b, pp. 53–62).

¹⁰⁷ Helge Salvesen, “Modellenes plass i den historiske forskningsprosess”, in A. Leirfall *et al.* (ed.), *Festskrift til Johan Arnt Myrstad*, Trondheim 1997, p. 327.

¹⁰⁸ Seip 1983, p. 15.

¹⁰⁹ In *Konge og gode menn i norsk riksstyring ca. 1150–1319* (Bergen 1972), Knut Helle sought to explore “the question whether ‘good men’, national assemblies, and royal councils represent real bonds of personal royal power” (p. 14) by studying whether they were institutional limitations on the king’s power. Kåre Lunden criticized Helle for performing only an “analysis of institutions” with no corresponding “analysis of interests” (Lunden, *NHU* IV, pp. 203, 213).

¹¹⁰ Kåre Lunden, *Økonomi og samfunn*, Oslo 1972, see especially pp. 38–50.

¹¹¹ Bagge 1986, pp. 147–56.

¹¹² Per Sveaas Andersen, *Samlingen av Norge og kristningen av landet*, Oslo 1977, pp. 196–200. Cf. Hans E. Kinck, “Sagaens ånd og skikkelser”, in *Sagaens ånd og skikkelser*, Oslo 1951 (orig. published as articles in 1926), pp. 75, 95; Arne Odd Johnsen, *Fra ættesamfunn til statssamfunn*, Oslo 1948.

¹¹³ Bagge 1986, p. 151, cf. also Lars Ivar Hansen, “Slektskap, eiendom og sosiale strategier i nordisk middelalder”, *CM* 2, 1994, pp. 103–55; Hansen, “‘Ætten’ i de eldste landskapslovene—Realitet, konstruksjon og strategi”, E. Mundal and I. Øye (ed.), *Norm og praksis i middelaldersamfunnet*, Bergen 1999, pp. 23–55. For this in Iceland, see Jón Viðar Sigurðsson 1993 and Agnes S. Arnórsdóttir, *Kvinner og “krigsmenn”*, unpublished degree thesis in history, Bergen 1990 (published in Icelandic). In this field too, scholars have drawn on studies in other disciplines, especially sociology: S. W. Schmidt *et al.* (ed.),

in Snorri Sturluson's *Heimskringla*, inspired by the new research on the Icelandic sagas; here he sought to divert attention from the institutional administration of justice towards the practical resolution of conflicts.¹¹⁴ Bagge has subsequently explored this theme in greater depth in a series of works. In addition, Jón Viðar Sigurðsson's textbook on Norwegian history from 1999 is inspired by the legal anthropological turn.¹¹⁵

Despite this, the legal anthropological approach has not had any serious consequences for how state development in the High Middle Ages has been perceived in Norway. This is due in large measure to scepticism among Norwegian historians. Knut Helle's history of Norway from 1995 adopts a central and institutional perspective on state development, passing over studies by Bagge and legal anthropology in silence.¹¹⁶ Bagge himself, however, did not make any great attempt to put his findings from the study of *Heimskringla* into a Norwegian historical context. The chapter dealing with this, "The Description and the Reality", fills about four pages in the book. Here he draws the summary conclusion that Snorri's picture of society does not fit as a description of contemporary Norwegian society, whereas the similarities to contemporary Icelandic society are greater.¹¹⁷ In addition, Bagge's main project has been to explore the high medieval ideology rather than the real history of the period.¹¹⁸ This development can be summed up in an ideological escalation. The clearly defined and consistently shaped royal ideology in the thirteenth century was a result of

Friends, Followers, and Factions: A Reader in Political Clientelism, Berkeley 1977; S. N. Eisenstadt and L. Roniger (ed.), *Patrons, Clients and Friends: Interpersonal Relations and the Structure of Trust in Society*, London 1984; M. Banton (ed.), *The Social Anthropology of Complex Societies*, London 1966; E. Gellner and J. Waterbury (ed.), *Patrons and Clients in Mediterranean Societies*, London 1977. The terms come from Latin and are used in classical studies, such as Richard P. Saller, *Personal Patronage under the Early Empire*, Cambridge 1982; A. Wallace-Hadrill (ed.), *Patronage in Ancient Society*, London 1989.

¹¹⁴ Bagge's main method was to use *Heimskringla* as a relic for Snorri Sturluson's world-view and conception on society (*Society and Politics in Snorri Sturluson's Heimskringla*, Berkeley 1991, p. 1).

¹¹⁵ Jón Viðar Sigurðsson, *Norsk historie 800–1300*, Oslo 1999, p. 156.

¹¹⁶ See Sverre Bagge, review of Knut Helle's *Under kirke og kongemakt 1130–1319*, *HT* 1, 1996(c), p. 264; Steinar Imsen, review of Knut Helle's *Under kirke og kongemakt 1130–1319*, *Kritikkjournalen* 2, 1995, p. 85. See also Hans Jacob Orning, review of Knut Helle's *Under kirke og kongemakt 1130–1319*, *Middelalderforum* 2, 1995, pp. 64–70.

¹¹⁷ Bagge 1991, pp. 237–40.

¹¹⁸ Sverre Bagge, *The Political Thought of The King's Mirror*, Odense 1987; Bagge, *From Gang Leader to the Lord's Anointed*, Odense 1996. He has also analysed this in a series of articles.

frequent clashes between church and crown.¹¹⁹ Parallel to this, Arnved Nedkvitne has demonstrated how a more systematizing way of thinking emerged in the High Middle Ages.¹²⁰ Nedkvitne, like Bagge, has used literacy research as an angle of approach, equating a written culture with a state society, and an oral culture with a pre-state society.¹²¹ The institutional perceptive on state development can thus be said to have been succeeded by an ideological perspective.

The question of what kind of effect this ideological development had in practice is, however, largely unexplained. On the one hand, Bagge has constantly underlined the great discrepancy between ideology and practice.¹²² In the *Heimskringla* study he argued that Snorri's narratives, "whether true or not, throw some light on the way politics was conducted in the period."¹²³ In an article from 2001 he shows how the administration of justice in practice was much less institutionalized and more steered by power relations than the laws and the royal ideology suggest.¹²⁴

¹¹⁹ Bagge 1996 p. 159; Bagge, "The Structure of the Political Factions in the Internal Struggles of the Scandinavian Countries during the High Middle Ages", *SHJ* 24, 1999, p. 312; Bagge, "Old Norse Theories of Society: From Rígsþula to Konungs skuggsjá", in J. E. Schnall and R. Simek (ed.), *Speculum Regale: Der altnorwegische Königsspiegel (Konungs skuggsjá) in der europäischen Tradition*, Vienna 2000, p. 42.

¹²⁰ Arnved Nedkvitne, *Motet med doden i norrøn middelalder*, Oslo 1997; Nedkvitne 2004.

¹²¹ Nedkvitne 2004; Nedkvitne, "Literacy: A Precondition for the Europeanisation of the Scandinavian Countries?", in P. Ingesman and T. Lindkvist (ed.), *Norden og Europa i middelalderen*, Århus 2001, pp. 65–92; Sverre Bagge, *Da boken kom til Norge: Norsk idéhistorie* vol. I, Oslo 2001(b), pp. 50, 62. This contrast is reminiscent of the one that Gro Steinsland and others have set up between Old Norse and Christian belief as being, respectively, contextual and absolute (Gro Steinsland, *Den hellige kongen: Om religion og herskermakt fra vikingtid til middelalder*, Oslo 2000, pp. 88–89; Sverre Bagge, *Mennesket i middelalderens Norge: Tanker, tro og holdninger 1000–1300*, Oslo 1998, pp. 87–90).

¹²² Sverre Bagge, "The Norwegian Monarchy in the 13th Century", in A. J. Duggan (ed.), *Kings and Kingship in Medieval Europe*, London 1993, pp. 172–75; Bagge, "Kingship in Medieval Norway: Ideal and Reality", in H. Durkhardt et al. (ed.), *European Monarchy: Its Evolution and Practice from Roman Antiquity to Modern Times*, Stuttgart 1992, p. 47; Bagge 1999, p. 307; Bagge 2001b, p. 317.

¹²³ Bagge 1991, p. 240. Here he refers briefly to the fact that occurrences of feuds are recorded or implied in the Norwegian contemporary sagas, the laws, and *Konungs skuggsjá*, but he does not go into this in detail.

¹²⁴ Sverre Bagge, "Law and Justice in the Middle Ages: A Case Study", in L. Bisgaard et al. (ed.), *Medieval Spirituality in Scandinavia and Europe: A Collection of Essays in Honour of Tore Nyberg*, Odense 2001, p. 80. Here Bagge is arguing along the same lines as Erik Adolfsen, *Maktforholdene på tingene i Norge ca. 900–1200*, unpublished degree thesis in history, Bergen 2000.

On the other hand, Bagge has not questioned the main features of state formation in the period. On a general basis he has claimed that one cannot make a sharp distinction between ideological and real historical development, because changes in the two fields are interlinked.¹²⁵ To the extent that he has considered real historical development he has mostly referred to his above-mentioned article from 1986, where he argued that a result of the civil wars was the transformation of magnates from local leaders to servants of the king.¹²⁶

“It has largely been taken for granted that the king’s chosen men were simultaneously loyal to him,” Jón Viðar Sigurðsson writes in his Norwegian history.¹²⁷ Erik Adolfsen draws attention to the lack of interest shown by Norwegian historians in studying magnates as local leaders.¹²⁸ At the same time, more recent studies on the Early Middle Ages and the Viking Age have abandoned the idea of a “peasant society”, and instead highlighted the considerable power of the chieftain.¹²⁹

¹²⁵ Bagge 2000, p. 38. On Bagge’s concept of ideology, see Hans Jacob Orning, review of Sverre Bagge’s *From Gang Leader to the Lord’s Anointed*, *CM* 1997, pp. 185–96, and Sverre Bagge’s response, pp. 197–99. See also Bagge’s critique of my concept of ideology in his “Opposisjonsinnlegg til Hans Jacob Ornings Uforutsigbarhet og nærvær. En analyse av norske kongers maktutøvelse i høymiddelalderen,” *HT* 84, 2006, p. 643.

¹²⁶ Bagge 1986, cited in Bagge 1991, pp. 237–40, and Bagge 2000, pp. 20, 40. Cf. similar opinions in Helle 1974, pp. 204–6, and Lunden 1976, pp. 39–40. Bagge has since pointed out that the magnates’ service of the king did not conflict with their simultaneous position as local leaders (Bagge 1999, p. 307). Cf. Johan Ernst Sars, *Udsigt over den norske historie: Uvalgte kapitler ved Andreas Holmsen*, Oslo 1967, pp. 49, 87.

¹²⁷ Jón Viðar Sigurðsson 1999, p. 156. Rudolf Keyser in the nineteenth century expressed the view that the close relationship between magnates and peasants was significantly weakened under King Sverre (“Den norske samfundsordens udvikling i middelalderen”, *NHU* II, p. 12), and Alexander Bugge called the *sýslumenn* “the first state officials in our country” (*Norges historie*, vol. II, part 2, 1103–1319, Kristiania 1916, p. 161), while Edvard Bull (the Elder) wrote about the Norwegian “unitary state” in the High Middle Ages (“Borgerkrigene i Norge og Håkon Håkonssons kongstanke”, *NHU* II, pp. 26, 35). A more recent historian like Claus Krag goes a long way in that direction when he claims that vassals and the hird “gave the king a permanent presence all over the country in a completely different way from before” (*Vikingtid og rikssamling 800–1130*, Oslo 1995, p. 220).

¹²⁸ Adolfsen 2000, p. 4.

¹²⁹ Bjørn Myhre, “Frå smårike til stat”, in *Hafsfjord: Fra rikssamling til lokalt selvstyre*, Stavanger 1987, pp. 111–25; Dagfinn Skre, *Herredømmet: Bosetning og besittelse på Romerike 200–1350 e.Kr.*, doctoral dissertation in archaeology, Oslo 1996; Tore Iversen, *Trelldommen: Norsk slaveri i middelalderen*, doctoral dissertation in history, Bergen 1997, pp. 125–49; Frode Iversen, *Eiendom, makt og statsdannelse: Kongsgårder og gods i Hordaland i yngre jernalder og middelalder*, doctoral dissertation in archaeology, Bergen 2004. Tore Iversen, Dagfinn Skre, and Knut Dørum have conducted a debate about chieftain society versus peasant society in *Heimen*.

The question is to what extent this local power disappeared or was reduced with the strengthening of royal power in the High Middle Ages. For contemporary Denmark, Lars Hermanson has described the king's exercise of lordship as the division rather than the delegation of power, and Niels Lund has emphasized the central position of the magnates as an intermediary between the king and the peasants in the *leiðangr*.¹³⁰ It is very difficult to study local conditions using only the kings' sagas, but more recent studies from the Late Middle Ages have concluded that the king's ability to intervene locally was limited right up until the seventeenth century.¹³¹ This suggests that the magnates' transition from local leaders to royal servants was not as total as previous scholars have assumed.

In this study most attention will be focused on the relationship between the king and the magnates, partly because this is best attested in the sources, but also because the magnates who did not reside at the king's court were the most important—and most refractory—group to which the king had to relate. In line with Jón Viðar Sigurðsson's statement, their loyalty to the king will not be assumed, but instead scrutinized, and this will be done on the basis of their actions, not their institutional affiliation or obligations. This presupposes that the king's and other persons' action can be studied, at least partly, independently

¹³⁰ Hermanson 2000, pp. 47, 59–79, 137, 147, 177; Lund 1996, pp. 64–65, 215–20, 232–33. Erik Opsahl has analysed the reform of the Norwegian army in 1273 and believes that it may have been a continuation of the *sýslumenn*'s retinues from the civil wars, although he does not establish this as certain (*Framveksten av herresvein-institusjonen og dens betydning for militærvæsen, maktforhold og sosial eliteutvikling i Norge ca. 1270–1390*, unpublished degree thesis in history, Oslo 1991, pp. 129–30).

¹³¹ Steinar Imsen's *Norsk bondekommunalisme fra Magnus Lagabøte til Kristian Kvart*, part 1, *Middelalderen* (Trondheim 1990), was a pioneering work in that it brought out the peasant community's own governing bodies, and above all the significance of settlement. However, he assumed that cooperation between the king and the local community functioned without much friction. More recent works by Magne Njåstad (*Grenser for makt: Konflikter og konfliktløsning mellom lokalsamfunn og øvrighet ca 1300–1550*, doctoral dissertation in history, Trondheim 2003) and Erling Sandmo (*Slagsbrødre: En studie av vold i to norske regioner i tiden fram mot eneveldet*, doctoral dissertation in history, Oslo 1997) place greater emphasis on conflicts and tensions between central and local level. It should be mentioned that these studies do not highlight the power of chieftains as much as that of the local community as a whole. Steinar Imsen believed that peasant communalism arose in the High Middle Ages. Knut Ellefsrud has shown that important local tasks were resolved under the auspices of guilds far back in the Viking Age (*Gilder og konfliktløsning i norsk høymiddelalder (ca. 1130–1350)*, unpublished degree thesis in history, Oslo 1996).

of the sources' ideological perspective. The possibility of achieving this is the topic of the following discussion of methods.

Method: the ideological and the practical perspective

Grand generalizations about the political institutions available to medieval rulers [...] are less important than particular moments in each reign—the context would need to be studied with care—that demanded or made possible the adoption of one norm over the other and determined how it would be manifested in both theory and action.¹³²

One premise for this study is that it is possible to go beyond the idealized account in the contemporary sagas and detect “counter-voices” in the texts. This is done in two ways. Firstly, I proceed from the terms used in the sources for loyalty, obedience, service, and about failure to fulfil such obligations.¹³³ The terms will not primarily be investigated quantitatively, because the material is small and of uncertain value as statistical evidence. The central point in this study is that the terms points at the situations in which the matter of loyalty to the king was thematized.

Scholars have often described loyalty as a pivotal virtue in so-called Germanic society. This is undoubtedly right in the sense that it was vital to be able to rely on one's friends in a society where, in the absence of a central institution for resolving conflicts, it was up to the individual to assert his rights.¹³⁴ Despite this, there were scarcely any terms to designate loyalty in Old Norse society. As Klaus von See has pointed out, Old Norse terms for personal allegiance and loyalty are hardly used at all before the mid-thirteenth century, and when they came into use

¹³² Barbara H. Rosenwein, “Controlling Paradigms”, in B. H. Rosenwein (ed.), *Anger's Past: The Social Uses of an Emotion in the Middle Ages*, Ithaca and London 1998, p. 244.

¹³³ The first part about subordination deals with the Old Norse terms for obedience and service—*lýðni* and *þjónusta*—and their Latin sources *obedientia* and *servitia*. The main part of this study investigates Old Norse terms for loyalty, where variants of the term *trú* are most common, followed by *traustr* and *tryggr*, while *hollr*, *öruggr*, and *einarrðr* are used more rarely. Among terms concerning breach of loyalty I consider *svik*, *vél*, *fals*, *flærð*, *landráð*, and *níðingsverk*. Some other terms are introduced as needed during the situational analysis. The meaning and etymology of the terms are dealt with briefly in the introduction to the two main parts of the study.

¹³⁴ See for example D. H. Green, *The Carolingian Lord: Semantic Studies on Four Old High German Words: Balder—Frô—Truhtin—Hêro*, Cambridge 1965, for Germanic societies; Jón Viðar Sigurðsson 1993 for Iceland.

they mainly concerned loyalty to the king.¹³⁵ This indicates that loyalty in the thirteenth century was of a different character from the earlier “Germanic” loyalty. Terminology is therefore a key to ascertaining the differences between “pre-state”/contextual and “state”/absolute perceptions of loyalty.

The other way to get beyond the sagas’ idealized account is to make a distinction between an ideological and a practical perspective. In the ideological perspective the sagas are used as relics of how the authors apprehended ideas of loyalty when they wrote the sagas. This is a non-controversial use of the kings’ sagas, in that any source can be used in this way.¹³⁶ I then go on to compare the saga authors’ conceptions with the royal ideology in the normative sources. This should not to be particularly problematic either, considering that both types of sources were written down in contexts close to the king.

The practical perspective represents the most important, but also the most controversial, methodological approach, as it is based on the actions as they are reported in the sagas. There is little *a priori* reason to be optimistic about the possibilities of getting behind the idealized account in the kings’ sagas to reach the historical actors. It is one matter that the sagas are explicitly about kings, and that this constant royal presence largely denies us any knowledge of what happened in the king’s absence. A more fundamental objection is that the sagas normally constitute both text and context, since it is rare that we have other sources with which their information can be compared. The result of this, according to the Old Norse philologist Preben Meulengracht Sørensen, is that “the reality of the text shuts out the historical reality.”¹³⁷

I nevertheless believe that it *is* possible to find traces of other outlooks and conceptions in the contemporary sagas than those explicitly recorded by the authors, and that a study of conflict situations is

¹³⁵ Klaus von See, *Altnordische Rechtswörter*, Tübingen 1964, pp. 204–21. This is evident from the quantitative survey of the terms for loyalty. The terms are likewise rare in the Icelandic sagas and *Heimskringla*.

¹³⁶ Ottar Dahl, *Grunntrekk i historieforskningens metodelære*, Oslo 1976 (orig. 1967), pp. 37–38; Knut Kjeldstadli, *Fortida er ikke hva den engang var*, Oslo 1997 (orig. 1992), pp. 162–64. Sverre Bagge’s studies of *Konungs skuggsiá* (1987) and *Heimskringla* (1991) are examples of this way of using the sources.

¹³⁷ Sørensen 1995, p. 18. This is not a problem that affects only saga studies, however, but something that affects the discipline of history in general, cf. Sørensen 1995, p. 29.

particularly liable to elucidate alternative views on royal power. Stephen White argues that an analysis of the exercise of power should start with “situations of confrontation”.¹³⁸ Confrontations are not described neutrally in the kings’ sagas, for there is every reason to believe that the king’s role is usually highlighted. Yet the fact that conflicts are recorded at all is an indication that the authors’ perception of royal power had not yet won general support. A conflict presupposes disagreement, and thus an opposite party with a view differing from that of the king, as presented by the author of the saga.¹³⁹ Thus, it is possible to detect counter-voices in the kings’ sagas. This demands a close reading of these conflicts, which will be done in two ways.

Firstly, the contemporary sagas will be partly used as historical records. This is rather uncontroversial, because the distance in time between the events described and the time when they were written down is relatively short. It is probable that the audience would have reacted if events from the recent past had been presented in a way that differed radically from how they themselves had experienced them or had been told about them.¹⁴⁰ One may therefore assume that particular details are largely recorded in a manner that is historically correct. It is difficult, however, to determine where the dividing line runs between what are historically correct details and what must be regarded as ideologically coloured opinions.¹⁴¹

This problem, however, need not be as insurmountable as it might seem. This brings us to the other and most important way in which the contemporary sagas will be used in this study. The essential thing here

¹³⁸ White 1995, pp. 90–91. Cf. Rosenwein 1998 (quotation in the introduction to this part). The advantages of studying norms in conflict situations is also underlined by Lars Hermanson (2000, p. 92).

¹³⁹ Ladislav Holy and Milan Stuchlik argue that there is no one-to-one relationship between norm and situation, but that several norms can be activated in one and the same situation (*Actions, Norms and Representations: Foundations of Anthropological Inquiry*, Cambridge 1983, pp. 81–83, 110). Cf. negotiations about norms in “disordered societies” in Frans Theuws and Janet L. Nelson, “Introduction”, *Rituals of Power: From Late Antiquity to the Early Middle Ages*, Leiden 2000, pp. 4–6.

¹⁴⁰ Cf. Richard Baumann, “Performance and Honor in 13th-Century Iceland”, *Journal of American Folklore* 99, 1986, pp. 131–50; Sørensen 1995, p. 25. Gísli Sigurðsson has been the last one to rework the “orality”-view of the sagas in “Orality and Literacy in the Sagas of Icelanders”, in R. McTurk (ed.), *A Companion to Old Norse-Icelandic Literature and Culture*, Oxford 2005, pp. 285–301 (more elaborately in *The Medieval Icelandic Saga and Oral Tradition: a Discourse on Method*, Cambridge 2004).

¹⁴¹ Cf. E. H. Carr, “The Historian and his Facts”, in *What is History?*, London 1990 (orig. 1961), pp. 7–30.

is not whether an event is recorded exactly as it *did* happen, but that the sagas told of something that *could* have happened. William Miller writes about the narratives in the Icelandic family sagas:

Fictionalizing dialogue, fictionalizing events, inventing characters and their psychologies might unnerve the political historian, but they need not upset the social historian at all. Even these fictions are constrained by the ranges of the possible in the culture and hence have useful social information to reveal.¹⁴²

The saga authors' way of recounting events cannot be perceived as fortuitous. It was done in a way which rendered meaning to themselves and to their intended audience, because it represented an interpretation of the society in which they lived. This interpretation they put forward independently of their bias in relation to concrete events and persons. The question then arises what the contemporary sagas can be used as evidence of. Because they told of historical events which concerned a large share of society, especially when it came to conflicts, I believe that they can be used as relics of matters that extend beyond the immediate circle of the authors and the kings. In this study I will often mention characters in the sagas as if they were historical figures. However, it is not primarily the historical activities of the saga characters that I wish to reveal, but the perceptions of loyalty they represent in the narratives.¹⁴³ In this study, probability is a more pivotal and interesting concept than truth.

¹⁴² Miller 1990, p. 46. Sverre Bagge says something similar about *Heimskringla*: "Though we [...] have to reject them as evidence of the individual events they describe, it is a little more likely that these stories, whether true or invented, contain some accurate information on society [...] the social conditions that formed their background cannot be completely different from the actual ones" (Bagge 1991, p. 239). This approach has been criticized by Preben Meulengracht Sørensen 2000, pp. 117, 121, Nedkvitne 2000, pp. 27–51), and Knut Helle ("Hovedlinjer i utviklingen av den historiske sagakritikken", in Jan Ragnar Hagland and Steinar Supphellen (ed.), *Leiv Eriksson, Helge Ingstad og Vinland: Kjelder og tradisjonar*, Trondheim 2001).

¹⁴³ The distinction between the use of a source as a record and as evidence of authorial attitudes is not as clear as it may seem either; cf. Narve Fulsås, "Kva er gale med det historiske sanningsomgrepet? Ein kritikk av kjeldekritikken", *HT* 2, 2001, pp. 231–46. I think that Fulsås has an important point when arguing that these two uses of sources cannot be clearly distinguished, because "events" are not transhistorical entities, but are historically determined by the situation in which they arise. On the problems of using sources as records, see also Erling Sandmo, "Men kildene lever: Noen betraktninger omkring den nye kulturhistoriens kildebruk", in C. T. Nielsen *et al.* (ed.), *Mod nye historier*, Århus 2001, p. 75.

The distinction between using the sagas as a record and as relics of authorial attitudes does not coincide with the difference between the practical and the ideological perspective. The practical perspective is based on the characters' actions, but not just in a narrative sense, as it is not dependent on the truthful presentation of the actions, but on their appearing probable. On the other hand, the ideological perspective cannot be equated with using the sagas as relics of authorial attitudes, because it focuses only on the sagas as vehicles of royal ideology.

There is no general method for distinguishing between the practical and the ideological perspective. It is nevertheless possible to draw a tentative dividing line between what the actors did in the situations which seems reasonable when viewed in relation to the sagas' total description of the interaction on the one hand (the practical perspective), and on the other hand ideologically coloured statements and actions that seem more isolated from the way other actions in the situation are reported (the ideological perspective). These methodological considerations have subjective elements, which can hardly be abstracted from the individual situations in which they are invoked. Yet this does not mean that they are arbitrary. This is wholly in keeping with positivist source criticism. Apart from some general rules, which are "largely systematized common sense", this technique means nothing more than a detailed scrutiny of a particular source "to see what one can find in it".¹⁴⁴ Source criticism can therefore be of assistance in finding traces of voices that run counter to the official view in the contemporary sagas.

In my opinion, however, positivist source criticism fails when it comes to evaluating the importance of such traces. It does not presuppose that the sources are a mirror of reality; since the past necessarily consists of an incomplete selection of sources, the historical reality cannot ultimately be verified.¹⁴⁵ If objectivity, in Ottar Dahl's words, is nevertheless "an ideal that it is *possible* to approach",¹⁴⁶ this must be viewed in the light of his belief in "*chance* in the actual occurrence of data."¹⁴⁷ The

¹⁴⁴ Kjeldstadli 1997, p. 161 ("Source criticism is then a set of craft rules which tell you how to handle sources so as not to distort the information you get out of them.")

¹⁴⁵ More modest terms such as "intersubjective unity" are used instead (Dahl 1976, p. 128, Ottar Dahl, *Problemer i historiens metode*, Oslo 1986, p. 75). Dahl points out that such theories will not necessarily be provisional in character (Dahl 1976, p. 131).

¹⁴⁶ Dahl 1986, p. 68 (Dahl's italics), cf. Dahl 1976, p. 51.

¹⁴⁷ Dahl 1976, p. 49 (my italics). Dahl's aim here is admittedly to show that "[I]t is quite different factors than the problems that interest historians which have determined

question is, however, whether one can conclude that, because there is no plan governing the preservation of sources, what has survived is a matter of chance.

There is undoubtedly an *element* of chance deciding which sources were preserved for posterity, in that no single institution in history has ever had complete control over the production and preservation of sources. On the other hand, the occurrence of sources is not *solely* the result of random circumstances, but reflects what some people, but not everyone, perceived as important at the time and subsequently.¹⁴⁸ These *some people* have set their mark on the selection and content of the sources more than other people were able to do. Hardly anyone would disagree about this. The question is how deep this bias or slant goes. Here I believe it is necessary to abandon the assumption of positivist source criticism that sources are chance pieces in a larger puzzle, the totality of which represents reality. Helge Salvesen puts it like this: "Source criticism [...] presupposes that we can assess their relevance and representativeness in relation to the historical reality of which the preserved and utilized sources are just a small part."¹⁴⁹ In my opinion, we must regard the sources as biased not just in their particular detail but also in the total picture that they convey of an era. The concept of ideological hegemony may help to compensate for the inadequate ability of source criticism to expose systematic bias.¹⁵⁰ At the same time,

which sources are preserved, which have been lost, which archives have burned down", but what he says also has a more general relevance.

¹⁴⁸ "The facts speak only when the historian calls on them" (Carr 1990, p. 11). Patrick Geary has criticized Halbwachs for assuming that "facts" are created by some kind of neutral "collective awareness" (Geary 1994b, pp. 3–22). The Danish hermeneutic scholar Jan Lindhardt equates our image of the past with what is important today: "If tradition did not contain opportunities for life, it would be meaningless to remember it and preserve it" ("Historieforskningens hermeneutik", *Studier i historisk metode* 20, Århus 1989, p. 69).

¹⁴⁹ Salvesen 1997, p. 322. Preben Meulengracht Sørensen argues that source criticism can have its uses in the history of events, but that it is useless in the study of religion, beliefs, and ideology (Preben Meulengracht Sørensen, "Den norrøne litteratur og virkeligheden", *CM* 2 1989, p. 136).

¹⁵⁰ The concept of hegemony is associated with Antonio Gramsci. Keith Jenkins believes that it is important to make such a distinction: "whilst it is generally the case that individual discrete statements (facts) can indeed be checked against the discrete source to see if the historian's account corresponds to it, the 'picture of the past' cannot be checked" (Keith Jenkins, *On "What is History?"*, London 1995, p. 21).

an ideological hegemony does not constitute an impervious totality, but also contains alternative views or “counter-voices”.¹⁵¹

It is in the treatment of such systematic bias that positivist source criticism, in my opinion, is inadequate. Because counter-voices by definition are weaker in the sources than the dominant voice, they will necessarily seem too insignificant if we only apply source criticism with its insistence on representativeness. Requiring the same burden of proof for the counter-voices as for the main voice can therefore easily lead to their marginalization by the historian, as they were marginalized at the time. One of the central projects in post-modern research has been to try to approach the Other by seeking out “resistance” in the text or by “decentring” the perspective.¹⁵² In this study, the Others are those who resisted the king’s demands for loyalty. Their voice is weaker than the king’s, but this does not mean that it is absent.

Sources

The contemporary kings’ sagas—*Sverris saga* and *Hákonar saga Hákonarsonar*—are the most important sources in this study. *Böglunga sögur* and the compilation of contemporary Icelandic sagas, *Sturlunga saga*, will be used to a lesser extent. Normative sources occupy a central position in the first part of the book, concerning ideal subordination.

Sverris saga is preserved in four manuscripts: AM 327, 4° from c. 1300, *Eirspennill* from c. 1300, *Flateyjarbók* from c. 1380–90, and *Skálholtsbók yngsta* from the mid-fifteenth century, apart from several fragments.¹⁵³ The saga has been the subject of much philological debate. It is stated in the saga that Abbot Karl Jónsson from the monastery of Þingeyrar in

¹⁵¹ A fascinating example of one such “counter-voice” is the miller Menocchio in Carlo Ginzburg’s *The Cheese and the Worms: The Cosmos of a Sixteenth-century Miller*, Baltimore 1980 (orig. 1976).

¹⁵² The literature on this subject is so extensive that I shall not attempt any detailed treatment of it here. Michel Foucault, Jean-François Lyotard, Hayden White, postcolonial scholars like Robert Young, and in Norway Erling Sandmo have been important for my orientation.

¹⁵³ The information comes from Gustav Indrebø, “Innledning”, *Sverris saga*, Kristiania 1920 (reprint 1988), pp. v–lxxviii; Hallvard Magerøy, “Forord til Sverres saga”, *Norges kongesoger*, vol. 3, Oslo 1979, pp. 7–17; Ludvig Holm-Olsen, “Sverris saga”, *KLNM XVII*, cols. 551–58. The relationship between the manuscripts is not clear, but Gustav Indrebø’s edition based on AM 327, 4° is deemed to be the best text, and will be used here.

Iceland wrote the first part, *Grýla*. This probably happened in connection with his sojourn in Norway in the period 1185–88. The disagreement has concerned how far *Grýla* goes, and when the last part of the saga was written. In the nineteenth century it was commonly claimed that *Grýla* tells the story all the way down to the fall of Magnus Erlingsson in 1184 (ch. 99). This was challenged by Halvdan Koht, who thought that Erling Skakke's fall in 1179 marked the end of this part (ch. 38).¹⁵⁴ Fredrik Paasche declared that the dividing line must be placed even earlier, in 1178 (ch. 34), and this view has gained the most support.¹⁵⁵ The question of when the last part of *Sverris saga* was written has also been debated, partly in connection with whether Karl Jónsson was the author of the rest of the saga. Egil Nygaard Brekke believed that the saga bore the stamp of the struggle between the Birkibeinar and the Baglar, and would date it to the period 1204–8,¹⁵⁶ whereas according to Ludvig Holm-Olsen it was completed before 1210.¹⁵⁷ Halvdan Koht and Sverre Bagge, on the other hand, have claimed that the last part of the saga was written in the period 1217–23, and that Karl consequently cannot be the author.¹⁵⁸ Despite the considerable uncertainty surrounding when *Sverris saga* was written and by whom, I will treat the saga as a whole. Sverre Bagge describes this approach as “unitarianism”, arguing that sagas can largely be used as a source for ideology or mentality in its setting regardless of who wrote it and exactly when.¹⁵⁹

Böglunga sögur is found in two different versions. The main manuscripts for the short version are *Eirspennill* and *Flateyjarbók*. The long version is based on Peder Clausson Friis's translation published in 1633, and some smaller fragments written in Old Norse. The traditional view has been that the short version is older.¹⁶⁰ Hallvard Magerøy has opposed this view because he thinks that the long version is more historically

¹⁵⁴ Halvdan Koht, “Norsk historieskrivning under kong Sverre, serskilt Sverre-soga”, in *Innhogg og utsyn...*, Kristiania 1921, pp. 181–87.

¹⁵⁵ Fredrik Paasche, “Karl Jónsson”, *Norsk biografisk leksikon* VI, pp. 228–29; Ludvig Holm-Olsen, *Studier i Sverris saga*, Oslo 1953; cf. Bagge 1996, pp. 15–16.

¹⁵⁶ Egil Nygaard Brekke, *Sverre-sagaens opphav: Tiden og forfatteren*, Oslo 1958, p. 52.

¹⁵⁷ Holm-Olsen, “Sverris saga” *KLNM* XVII, cols. 556–57.

¹⁵⁸ Koht 1921, pp. 181–82, 193–94; Bagge 1996, pp. 16–17.

¹⁵⁹ Bagge 1996, pp. 18–19. His other arguments for this approach are that the saga authors' originality when they copy other works has been underestimated, and that it is methodologically most satisfactory to assume that the saga has an overall intention and composition.

¹⁶⁰ Knut Helle, *Omkring Böglungasögur*, Bergen 1958.

correct than the short one.¹⁶¹ I will use only the short version in this study, because the analysis proceeds from Old Norse terms, and Friis's translation therefore falls outside the scope of the investigation. Moreover, in his use of the term *lydighed* ("obedience") Friis departs so clearly from the pattern of the use of Old Norse *lýðni* in the other sources that it seems doubtful whether he could have translated from an original written before 1220.¹⁶² The short version covers the period 1202–10. The author of the saga is unknown, but the work has been described as neutral or pro-Baglar.¹⁶³

Hákonar saga Hákonarsonar is preserved in the manuscript compilations *Eirspennill*, *Flateyjarbók*, and *Skálholtsbók yngsta*, which also contain *Sverris saga*. In addition the saga is found in *Codex Frisianus* from c. 1300, and in Sth. perg. 8 fol. and several fragments. *Eirspennill* and *Skálholtsbók* lack the end of the saga, and in *Flateyjarbók* the ending is abridged, while *Codex Frisianus* and *Eirspennill* generally are more condensed than the other manuscripts.¹⁶⁴ With *Hákonar saga Hákonarsonar* we find ourselves in the rare situation of knowing both the author and the date. The saga was written by the Icelandic chieftain Sturla Þórðarson, and information in the saga shows that it was written in the period 1264–65.¹⁶⁵ The combination of the saga's detailed descriptions and Sturla's lack of first-hand knowledge of Norway makes it likely that he had access to archives when he wrote the saga.¹⁶⁶ It has been customary to describe *Hákonar saga Hákonarsonar* as an uninspired and boring work, due to

¹⁶¹ Hallvard Magerøy, *Soga om birkebeinar og baglar: Böglunga sögur*, part I, Oslo 1988, pp. 47–58, 178–209.

¹⁶² The Old Norse term corresponding to Friis's *lydighed*—*lýðni*—is scarcely used as early as around 1220. The term is only used once in *Sverris saga*, a very few times in the kings' sagas and the provincial laws, and in one diploma, cf. the tables in the part about ideal subordination.

¹⁶³ Helle believes that the short version can be counted as neutral (Helle 1958, pp. 80, 84), whereas Magerøy sees it as pro-Baglar (Magerøy 1988, pp. 178, 188–93). It is assumed that the long version arose in a Birkibeinar context.

¹⁶⁴ Marina Mundt, "Innledning", *Hákonar saga Hákonarsonar*, Oslo 1977, pp. xii–xiii; Narve Bjørge, "Om skriftlege kjelder for Hákonar saga", *HT* 1967, pp. 185–229; Knut Helle, "Hákonar saga Hákonarsonar", *KLNM* VI, cols. 51–53. I use Anders Kjer's edition of *Skálholtsbók yngsta* from 1919, supplemented with editions of the other manuscripts, especially to cover the end of the saga (see the bibliography for complete data on source editions).

¹⁶⁵ *HS* H 275.

¹⁶⁶ Halvdan Koht, "Um kjeldegrunnlage for saga um Hákon Hákonsson", *HT* 1927; Bjørge 1967, pp. 227–29.

Sturla's allegedly strained relationship with King Håkon.¹⁶⁷ Sverre Bagge has challenged this interpretation, claiming that the less lively tone in *Hákonar saga Hákonarsonar* derives from the fact that it is the first kings' saga where the content bears the imprint of the *rex iustus* ideal.¹⁶⁸

The Icelandic compilation *Sturlunga saga* is also used as a source in this study. It consists of a number of sagas dealing with Iceland in the period 1120–1264, and was probably compiled around 1300.¹⁶⁹ It is preserved in two defective parchments with a number of copies. The relationship between these is complex and will not be explored here.¹⁷⁰ Icelandic chieftains who were attached to the Norwegian king's hird will be treated here alongside Norwegian magnates in the hird. During the thirteenth century Iceland went through a period of heavy strife and concentration of power, “Sturlungaöld” (c. 1220–64), similar to the period of “civil war” in Norway (c. 1130–1240).¹⁷¹ This process did not go as far in Iceland as in Norway, in that no Icelandic chieftain succeeded in dominating the island before it came under the Norwegian king in 1262/64. In the last fifty years of the Icelandic commonwealth, however, most Icelandic chieftains became linked to the Norwegian king through the hird, in the same way as Norwegian magnates.¹⁷²

¹⁶⁷ See for example Knut Helle, “Innleiing”, *Saga om Håkon Hákonsson*, Oslo 1963, pp. 12–13.

¹⁶⁸ Bagge 1996, pp. 92–93.

¹⁶⁹ *Sturlunga saga* consists of the following sagas: *Porgils saga ok Haflíða*, *Sturlu saga*, *Prestssaga Guðmundar góða*, *Guðmundar saga dýra*, *Hrafn saga Sveinbjarnarsonar*, *Íslendinga saga*, *Pórðar saga kakala*, and *Svinfellinga saga*. It also usually includes *Porgils saga skarða*, *Sturlu þáttir*, and some genealogies. The compiler of the saga probably wrote some small pieces and linking passages himself, but otherwise he scarcely altered the original sagas except to join them together into a chronological narrative and to remove passages that overlapped with more detailed accounts in other sagas.

¹⁷⁰ See Jakob Benediktsson, “Sturlunga saga”, *kLNM* XVII, cols. 355–59 for literature on this, cf. also Úlfar Bragason, *On the Poetics of Sturlunga*, Berkeley 1986; Stephen N. Tranter, *Sturlunga Saga: The Role of the Creative Compiler*, New York 1987. I use the edition from 1946 by Jón Jóhannesson, Magnús Finnbogason, and Kristján Eldjárn, Reykjavík 1946.

¹⁷¹ On the process in Iceland, see Jón Viðar Sigurðsson, *Frá goðorðum til ríkja: Þróun goðavalds á 12. og 13. öld*, Reykjavík 1989; Jón Viðar Sigurðsson 1993, pp. 69–93. On the similarities with Norway, see Sigurður Nordal, *Icelandic Culture*, New York 1990, p. 280; Jón Viðar Sigurðsson, “The Icelandic Aristocracy after the Fall of the Free State”, *SJH* 20, 1995, pp. 153–66; Iversen 1997, p. 157; Kåre Lundén, “Overcoming Religious and Political Pluralism”, *SJH* 22 1997, p. 94; Hans Jacob Orning, “Statsutvikling i Norge og på Island i høymiddelalderen belyst ut fra en analyse av Þórðr kakali Sighvatssons og Sverre Sigurdssons vei til makten”, *HT* 4 1997(b), pp. 469–86.

¹⁷² Preben Meulengracht Sørensen, *Saga and Society: An Introduction to Old Norse Literature*, Odense 1993, p. 64; Jón Viðar Sigurðsson 1993, p. 85.

Iceland had a more peripheral geographical position than most regions of mainland Norway, and the country was never visited by any Norwegian king, but these are only differences of degree between the two areas. The contemporary sagas never mention kings travelling north of Trøndelag, and distances were considerable even within continental Norway. Sailing times varied dramatically, but Sverre Steen reckons that the journey from Norway to Iceland took four days of quick sailing, as against five to seven days from Nidaros to Bergen and from Bergen to Oslo.¹⁷³ Travelling by land was far more time-consuming. The greatest difference between Icelandic and Norwegian magnates in the thirteenth century probably is that Icelandic chieftains had their exploits described in their own sagas, whereas Norwegian magnates were not the main characters in any comparable saga. The advantage of bringing in *Sturlunga saga* is that it is more detailed in its descriptions and less influenced by the *rex iustus* ideology than the kings' sagas are. *Íslendinga saga*, the longest individual saga in *Sturlunga saga*, is moreover written by the same author as *Hákonar saga Hákonarsonar* and deals with many of the same events. The descriptions of magnates' views of loyalty in the two sagas will be analysed in a separate chapter.

Norwegian and Icelandic sagas narrating a distant past fall outside this study, but they will occasionally be considered.¹⁷⁴ However, I do not undertake any qualitative analysis of these sources, and I therefore do not find it necessary to discuss the character of these sources and the way they are used.

The normative sources occupy a central position in the first part of the study about ideal subordination, and also serve as a background for the reconstruction of the ideological perspective in the second main part. The diplomatic material is published in *Diplomatarium Norvegicum*.¹⁷⁵ Material in Old Norse is relatively sparse before the end of the

¹⁷³ Sverre Steen, *Ferd og fest*, Oslo 1929, pp. 266–70. Steen thinks that the journeys normally took much longer than this.

¹⁷⁴ Through the database www.snerpa.is/net it has become possible to search for words in most Icelandic sagas and *Heimskringla*. The material is based on the Íslenzk fornrit editions. Word searches can give a broad idea of the use of the terms in this corpus.

¹⁷⁵ *Diplomatarium Norvegicum* I–XXI, Oslo 1849–. Thanks to a digital documentation project at the University of Oslo, it is possible to do a computer search for individual terms in the corpus. The terms are not standardized, which means that some variants may be missed in a search.

thirteenth century, but there are a good deal of documents in Latin, especially papal letters from the twelfth century onwards.¹⁷⁶

The collection of sermons known as *Gammelnorsk homiliebok* (“The Old Norse Homily Book”) is found in a manuscript from around 1200, but the original may have been written down as early as the mid-twelfth century.¹⁷⁷ It consists mainly of homilies but also includes a translation of Alcuin’s “Vices and Virtues”, a narrative about “The Life and Miracles of Saint Olav”, a vision of “The Battle between the Body and the Soul”, and a commentary on the Lord’s Prayer.¹⁷⁸ The story of Saint Olav is based on the *Passio Olavi*, probably composed by Archbishop Øystein in the second half of the twelfth century.¹⁷⁹ The collection gives insight into the ideas that the church tried to instil in the people.

The legal material has been published in the five volumes of *Norges Gamle Love*.¹⁸⁰ Ebbe Hertzberg’s *Glossarium* gives a survey of how the terms are used. The oldest written law codes we have are the provincial laws, of which the main bulk of the law codes of Gulating, Frostating, and Bjarkøy are preserved, as well as fragments of the Christian laws in the law codes of Eidsivating and Borgarting.¹⁸¹ It is uncertain when the laws were committed to writing or how old the different stipulations are. A new phase of legal activity began with the Christian laws in the younger codes of Gulating and Frostating from the end of the 1260s, and culminated with King Magnus Håkonsson’s promulgation and revision of the laws on a national scale in the 1270s—resulting in the

¹⁷⁶ The central Latin diplomas concerning Norway before 1204 have been published with Norwegian translations in *Latinske dokument til norsk historie fram til år 1204* (ed., transl. and commented by E. Vandvik, Oslo 1959), and some Latin and Old Norse documents are also translated in *Norske middelalderdokumenter* (eds. and transl. by S. Bagge, S. H. Smedsdal and K. Helle, Bergen 1973).

¹⁷⁷ Erik Gunnes, “Innledning”, *Gammelnorsk Homiliebok*, Oslo 1971(b), p. 9. There is also an Icelandic homily book from roughly the same time, but it will not be considered in this study.

¹⁷⁸ The manuscript has been edited by both Unger and Indrebø. The latter’s edition will be used here (*Gamla norsk Homiliebok. Cod. AM 619 4*, ed. G. Indrebø, Oslo 1931).

¹⁷⁹ Eiliv Skard, “Innleiing”, *Passio Olavi: Lidings saga og undergjerningane åt den heilage Olav*, Oslo 1970 (transl. E. Skard), p. 12.

¹⁸⁰ *Norges gamle Love indtil 1387 I–V*, eds. R. Keyser, P. A. Munch, G. Storm, and E. Hertzberg, Christiania 1846–95.

¹⁸¹ The older law codes of Gulating, Frostating, and Bjarkøy have been published in Norwegian translation (*Gulatingsslovi*, ed. K. Robberstad, Oslo 1981 (orig. 1969), *Frostatingslova*, eds. J. R. Hagland and J. Sandnes, Oslo 1994, *Bjarkøyretten*, ed. J. R. Hagland and J. Sandnes, Oslo 1997), the old law code of Gulating also in a recent Old Norse edition (*Den eldre Gulatingalova*, eds. B. Eithun, M. Rindal and T. Ulset, Oslo 1994). The Icelandic collection of laws, *Grágás*, will not be used here.

national law, the town law, the hird law, and Archbishop Jon's Christian law.¹⁸² Amendments ("retterbøter") survive from the entire period, but they grow considerably in number during the reigns of Eirik II and Håkon V (1280–1319). They can give a valuable corrective to the rules in the law codes. In this study the laws will mainly be used as a source for the ecclesiastical and royal norms of subordination.¹⁸³

The most important sources for the view of loyalty in the royal ideology, alongside the national laws, are *En tale mot biskopene* ("A Speech against the Bishops") and *Konungs skuggsiá* ("The King's Mirror"). The speech against the bishops is found in a manuscript from the early fourteenth century, but was in all probability written in the period 1196–1202 as part of King Sverre's struggle against the Baglar and the papal church.¹⁸⁴ It used to be thought that *Konungs skuggsiá* comes from the same period, but now there is general consensus that the work must have been written down between 1240 and 1263 by an author close to the king's circle.¹⁸⁵

The structure of the study

In this study, the king's exercise of power will be investigated in terms of the kind of subordination he demanded and obtained. Absolute loyalty attests to a royal power based on predictability and internalized obedience independent of the king's presence, while contextual loyalty corresponds to a kingship in which unpredictability and the king's presence are crucial. The first part of the study concerns ideal subordination, where I seek to show how the royal ideology was heavily

¹⁸² The national law and the hird law have been translated (*Magnus Lagaboters Landslov*, transl. A. Taranger, Oslo 1962; *Hirdloven til Norges konge og hans håndgangne menn*, transl. S. Imsen Oslo 2000).

¹⁸³ The use of the laws as historical sources has been the subject of much debate. References to some of this literature are given in note 105.

¹⁸⁴ Here I use Anne Holtmark, *En tale mot biskopene: En sproglig-historisk undersøkelse*, Oslo 1931. Holtmark has also translated the work, which is in the same volume as *Sverris saga* (Oslo 1986). Erik Gunnes has undertaken the most recent detailed study of the work (*Kongens ære: Kongemakt og kirke i "En tale mot biskopene"*, Oslo 1971, see, pp. 10–12 for the dating).

¹⁸⁵ Bagge 1987, pp. 12–15. The main Norwegian manuscript is from c. 1275 (Anne Holtmark, "Kongespeillitteratur", *KLNM* IX, col. 66). Ludvig Holm-Olsen's edition from 1983 (orig. 1945) is used in this study. The work has been translated into modern Norwegian by Alf Hellevik (Oslo 1976). Sverre Bagge's is the most recent exhaustive study of the work (Bagge 1987).

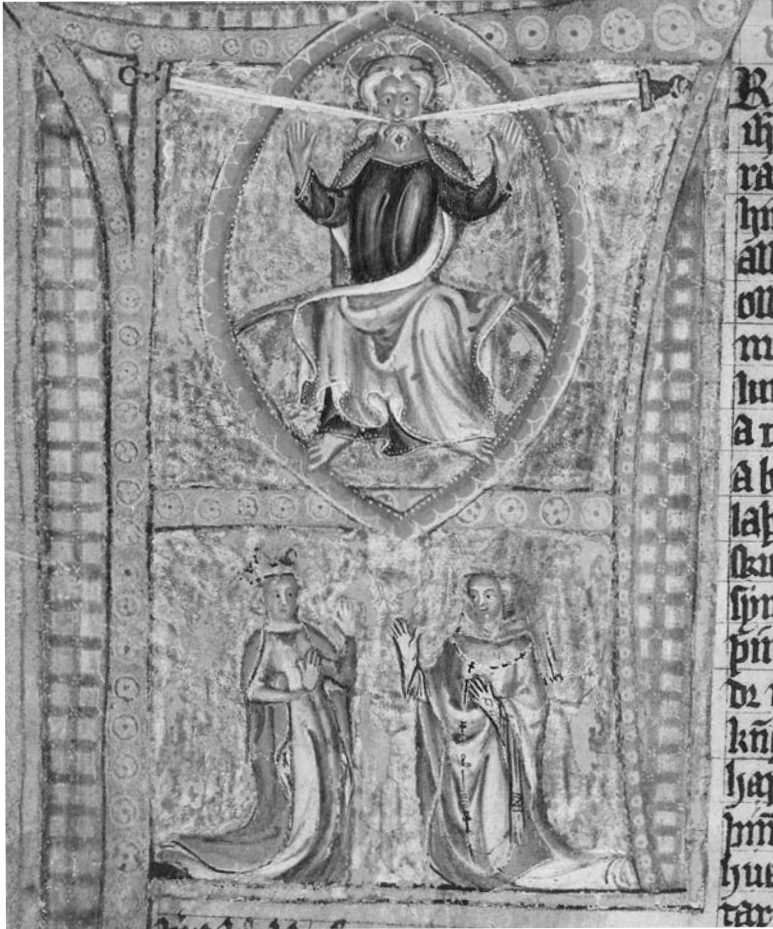
influenced by Christian thought in its view of subordination. Here the focus is on the Old Norse and Latin terms for obedience and service, first for establishing the relationship to God, then for defining the relationship to the king. Subordination to the king is presented here as mainly absolute. The king appears as a *rex iustus* who acts predictably by following and administering law and justice in a consistent manner, and who is in principle omnipresent in that the obligations of obedience to him are internalized.

The question of how great an impact the demands of the church and the king for absolute subordination had in practice is the theme of the second and largest part of the study. Here the focus is on terms for loyalty referring to situations of conflict between the king on the one hand and retainers, magnates, and peasants on the other hand. Conflicts are first analysed from an ideological perspective, drawing on the part about ideal subordination, and then from a practical perspective, based on the actions of the people involved. The chapter about retainers is shorter and differs in structure from the others because these men accompanied the king, which made the contrast between the king's presence and absence small for this group. In the chapters about the king's relationship to magnates and peasants, the elements of predictability and presence are scrutinized through a detailed study of confrontations between the parties and of the prior and subsequent history of the conflicts. The question is whether loyalty was something the king expected to obtain and others expected him to demand, and whether the king tried to enforce such demands in practice. This can then tell us to what extent the king behaved—and wished to behave—predictably, and how important his physical presence was for his practical exercise of power. At the end of the chapter about the magnates I analyse the relationship of Icelandic chieftains to the Norwegian king, because this is described in two different sources and can shed further light on the differences between absolute and contextual loyalty.

In the conclusion I sum up and further explore the main thesis of the study, that the king's exercise of power in the High Middle Ages was based to a great extent on unpredictability and presence. Here the results will also be assessed in relation to earlier research in a more systematic way.

PART ONE

IDEAL SUBORDINATION: OBEDIENCE AND SERVICE



Illustration, previous page: Depiction of a thief being punished, from the Norwegian national law, Codex Hardenbergianus, c. 1325–50. Det Kongelige bibliotek i København.

INTRODUCTION

In this part I shall examine subordination in the normative sources and in the contemporary sagas, proceeding from terms for obedience and service. The words for obedience are Old Norse *lýðni* and Latin *obedientia*, and for service Old Norse *þjónusta* and Latin *servitia*.¹ There are several reasons for my decision to focus on these terms, besides the purely practical necessity of making a selection in order to limit the study. First, the terms are central in the normative sources. Second, this is one of the relatively few cases where Old Norse words have obvious parallels in Latin terms.² Third, and most important, *lýðni* and *þjónusta* indicate a form of subordination that differs clearly from subordination based on friendship. In the Icelandic sagas, *vinr* ‘friend’ and *vinátta* ‘friendship’ are by far the most common terms for subordination.³ Friendship typically involved informal patron–client relationships in that they were personal, voluntary, and asymmetrical, yet still distinctly reciprocal.⁴ They can therefore be classified as decidedly contextual. This does not mean that they were weak. The bond of friendship was strong, but it depended on the patron being present and willing to help the client.

A relationship of obedience contrasts with friendship by being essentially a one-sided and impersonal subordinate relationship. It thereby denotes an absolute ideal of subordination, which applies unconditionally to everyone. *Þjónusta* denotes a subordinate relationship which differs from obedience in being personal, and simultaneously differs from friendship by its more one-sided subordination. In a society based on friendship, a service relationship often denotes a humiliating form of

¹ More peripheral terms for obedience will occasionally be considered as well: Old Norse *lýðskylda*, Latin *obsequio* and *subdire*. The Old Norse term *trínaðareidr* ‘oath of loyalty’ will be examined in the analysis of royal elections.

² *Sturlunga saga* gives an illustration of how clerical *lýðni* probably functioned as a precursor of the secular use of the term. The only saga with a cleric as the main character, *Prestsaga Guðmundar Arasonar*, which fills less than a tenth of the compilation, has as much as a third of all the references to *lýðni*. In addition, the references in this saga to *lýðni* occur earlier than the secular examples, if the sagas are used as historical records. The chronology will become clearer from the subsequent investigation.

³ Jón Viðar Sigurðsson 1999.

⁴ Cf. note 113 in the introduction.

subordination.⁵ The differences between relations based on friendship, obedience, and service, however, are not treated as premises in this study, but as a subject of investigation. In this part I want to show how an ideology based on absolute subordination was introduced and brought into use in Norway in the twelfth and thirteenth centuries. The analysis will not consider the practical implementation of subordination, which will be the theme of the next part of the book.

Old Norse *lýðni* and Latin *obedientia* can be translated as ‘obedience’ (the equivalent modern Norwegian word is ‘lydighet’).⁶ The main meaning of *þjónusta* is ‘service’ (‘tjeneste’), but it also has more specific spiritual and legal meanings.⁷ The Latin terms *servitium* and *servitus*, according to Schreiner and Vandvik, have as their main meaning ‘slavery’ (‘trældom’),⁸ while Hertzberg translates *servitia* (pl. of *servitium*) as ‘services performed for the king’.⁹ This semantic shift from slaves’ service to freemen’s service of the king is based on a general upgrading of subservience and service which took place in the course of the Early Middle Ages.¹⁰ This is an important theme to which I shall return in connection with the high-status aspect of service. In the following I shall give a brief chronological survey of the use of the terms in the normative sources.

Chronological survey

Before about 1200 it is the Latin variants of terms for fidelity that dominate in the source material, which mostly consists of diplomas, in

⁵ Cf. Iversen 1997, pp. 149–53.

⁶ Johan Fritzner, *Ordbog over det gamle norske sprog*, vol. 2, Kristiania 1891 [*Ordbog*], s.v. *hlýðni*; Ebbe Hertzberg, *Glossarium, Norges gamle Love indtil 1387*, vol. 5, Kristiania 1895 [*Glossarium*], s.v. *(h)lýðni*. Besides meaning ‘obey’, the verb *(h)lýða* also has the senses ‘to listen’ and ‘to be proper’. Johan Schreiner and Eirik Vandvik, *Latinsk ordbok*, Oslo 1965 [*Latinsk ordbok*], s.v. *oboedientia*; *Glossarium*, s.v. *obedientia*. The verb *oboedire* is translated as ‘listen to, obey’; this reflects the same ambiguity as in the Old Norse verb *lýða*. In Latin the reason for this is that the term *oboedire* is a compound of *ob-* and *audire* (‘hear’), cf. D. H. Green, *Language and History in the Early Germanic World*, Cambridge 1998, p. 377.

⁷ *Ordbog*, s.v. *þjónusta*; *Glossarium*, s.v. *þjónusta*, *þjónosta*. In a spiritual sense the term can refer to the clerical vocation or to the sacraments at the altar, in a temporal sense to a subject’s or an officer’s duty of service, or the actual office (*Glossarium*). The verb *þjóna*, besides meaning ‘serve’, can also mean ‘be of use, wait on, deserve’ (*Ordbog*).

⁸ *Latinsk ordbok*, s.v. *servitium*, *servitus*. Besides meaning ‘to be a slave’, the verb *servire* also means ‘to serve’.

⁹ *Glossarium*, s.v. *servitia*.

¹⁰ Bloch 1975, pp. 149–50, 255–56.

which spiritual interests were central. Already in the first extant papal diplomas sent to Norway, the pope introduced himself with the epithet “servant of the servants of God” (*servus servorum Dei*).¹¹ This was a set expression, which occurs in most of the diplomas we have from the pope.¹² In the period up to the middle of the twelfth century the diplomatic sources are scarce, consisting essentially of papal exhortations to uphold the faith. The first time *obedientia* is used is in Pope Innocent’s renewal of the supremacy of the archbishop of Hamburg over the bishops in Scandinavia from 1133, in which the latter are urged to show the archbishop *obedientia*.¹³ *Servitia* occurs for the first time in Gregory VII’s exhortation to Olav Kyrre in 1078: “May he serve [God...] with all fear and humility.”¹⁴

With the establishment of the archiepiscopal see and the reign of Magnus Erlingsson in the second half of the twelfth century, links between the pope and Norway became much closer than before. Pope Anastasius’ foundation charter for the Norwegian archbishopric in 1154 presents the model for clerical organization based on obedience.¹⁵ This obedience was extended to temporal matters in Magnus Erlingsson’s coronation oath and the charter to the church from 1163/64, where he pledged to show obedience and service to God and the church.¹⁶

¹¹ *DN* XVII 1 (1061–66).

¹² A search in *Diplomatarium Norvegicum* (www.dokpro.uio.no) for “servus servorum dei” and “seruus seruorum dei” gives the following survey of the use of the expression: 17 times before 1200, 27 times in the period 1201–1250, and as many as 84 times from 1251 to 1300. The total number may be slightly higher because the search does not include abbreviations or alternative spellings.

¹³ *DN* XVII 852 (1133). Other terms for obedience occur earlier, however. In the first diploma sent to a Norwegian king, from Pope Alexander to Harald Hardråde in 1061–66, Harald is urged to show “the reverence of subjection” (*reverentiam subiectionis*) to the pope and his subordinates (*DN* XVII 1 (1061–66)). In 1123 Abbot Peter of Cluny praised Sigurd Jorsalfar for his “devoted submission to God” (*Dei obsequium devotionis*), and for having “placed the kingdom under the most pleasant yoke of the sweet Christ” (*regium fastum suavi Christi iugo affectuosissime subjeceritis*) (*DN* XIX 25 (1123), cf. *LD* 36–37).

¹⁴ “servite ei cum omni timore et humilitate” (*DN* VI 1 (1078)). The form used here was the verb *servire*.

¹⁵ The bishops pledged to obey (*obedire*) the archbishop, who in turn had to obey (*obedire*) the pope (*DN* VIII 1, *NgL* I 439–40 (1154)). Cf. also the undated *Canones Nidrosienses*, which further regulated the Norwegian church (*LD* 42–51).

¹⁶ In the coronation oath he swore to be “faithful and obedient towards the holy Roman church and its supreme bishop, Lord Alexander, and his Catholic successors” (*fidelis ero et obediens sancte Romane ecclesie et summo pontifici domino Alexandro eiusque catholicis successoribus*, *MD* 30–33, *LD* 62–65). In addition, the oath declared that the king should show respect and service (*obsequia*), and not use his power to demand services (*obsequia*) of the church apart from those already established. On the charter, see note 36 in the next chapter. Torfinn Tobiassen, “Tronfølgelov og privilegiebrev”, *NHU* II, pp. 216–93 (orig. 1964), has an exhaustive examination of the ideology of this charter.

Later diplomas repeated this pledge.¹⁷ This harmony between spiritual and temporal power was broken in King Sverre's days. Archbishop Eirik complained to the pope that Sverre demanded the obedience of churchmen.¹⁸ Innocent III excommunicated Sverre, but the terms obedience and service did not play any important role in the pope's argumentation against the king.¹⁹

The time around 1200 marks the start of the use of the Old Norse terms *lýðni* and *þjónusta*, and still it is the spiritual use that dominates. Table 2.1 gives an overview of the use of the terms in the normative sources from the period. *Gammelnorsk homiliebok* [*The Homily Book*] is the only manuscript from before 1250 where the terms are frequently used.²⁰ The very few times *lýðni* is used in the provincial laws, it is in spiritual contexts.²¹ *Þjónusta* is slightly more common, and most of the occurrences have to do with ecclesiastical service.²² *Lýðni* and *þjónusta*, on the other hand, have a more central position in Sverre's argumentation against the church in *En tale mot biskopene* [*The Speech*] from the 1190s, although we must take into account that the manuscript is much younger. In all these sources the terms are used directly or indirectly about spiritual matters.

It took a long time before *þjónusta*, and especially *lýðni*, became widespread in temporal contexts. The terms are mentioned in some of the first diplomas in Old Norse from the first few decades of the thirteenth

¹⁷ See e.g. Pope Alexander's letters to the kings of Denmark, Sweden, and Norway (*DN* XVII 854 (1171)).

¹⁸ Sverre was said to be "incensed with rage and indignation because we do not heed his commands" (*ejus non obediunt mandatis*, *DN* VI 3 (1190–92)). Pope Celestine's charter of 1194 prohibits the king from demanding an oath of loyalty (*fidelitatis*) from the clergy (*DN* II 3 (1194)). This may allude to Nikolas's oath of allegiance to Sverre in 1194 (*Svs* 123). *The Speech* defended the king's demand of obedience from the church (Erik Gunnes, *Kongens ære: Kongemakt og kirke i "En tale mot biskopene"*, Oslo 1971, pp. 174–82).

¹⁹ The pope interpreted Sverre as God's punishment on the Norwegians for their sins, and wanted to punish those who had supported him, for example, the Bishop of Bergen (*DN* VI 7 (1198)). See also *DN* VI 6, (1198); and *DN* VI 8 (1198). Asbjørn Jonsson's speech before the battle of Fimreite in *Sverris saga* resembles this way of reasoning (*Svs* 135).

²⁰ Anne Holtmark, *Ordforrådet i de eldste norske håndskrifter til ca. 1250*, Oslo 1955. On the documents, see Holtmark 1955, pp. XIII–XIV. *Lýðni* and *ólýðni* occur 16 times in *The Homily Book* [*Hb*], as against twice in other places. The verb *lýða* is used 21 times in *Hb*, twice in other sources. The corresponding figures for *þjónusta*, *þjóna*, and compounds of *þjónusta* are 60 versus 2. The study, however, takes no account of the fact that many manuscripts from the time after 1250 are copies of manuscripts from before 1250, where it is not very likely that the copies differ significantly from the originals.

²¹ *F* II 1, 15. According to Hagland and Sandnes, this part of the old Frostating law, the ecclesiastical law, probably comes from the latter part of the twelfth century, modelled on Archbishop Øystein's *Gullfjær* (Jan Ragnar Hagland and Jørn Sandnes, "Om lova og lagdommet", *Frostatingslova*, Oslo 1994, p. XXXI).

²² *G* 8–9, *F* II 10, 11, 14, 40, 44, *B* I 12, II 20, 27, III 15, *E* I 10, 31.

century,²³ but it was not until the last twenty years of that century that they really became common in diplomas and amendments.²⁴ *Þjónusta* did

Table 2.1. Quantitative overview of the use of *lýðni* and *þjónusta* in normative sources.

	<i>The Homily Book</i>	<i>The Speech</i>	<i>Könungs skuggsiá</i>	Laws	Amendments
<i>Lýðni</i> (total 80)	21 ²⁵	17 ²⁶	21 ²⁷	2 ²⁸ + 12 ²⁹	7 ³⁰
<i>Þjónusta</i> (total 220)	56 ³¹	8 ³²	97 ³³	17 ³⁴ + 33 ³⁵	9 ³⁶

²³ *Lýðni* is used in a diploma from 1207–17, dealing with the relation of Filippus, king of the Baglar, to the Morsdalers (*DN* I 3); *þjónusta* is used about the clergy from c. 1220 (*DN* III 1).

²⁴ The terms are used in connection with the coronation in 1247, the discussion between the king and the archbishop in the 1270s, and the growing Hanseatic element in Bergen. In addition, the pope used the Latin equivalents in letters to Norway. It was not until the 1280s, however, that the terms achieved a central position in Norway. *Obedientia* became an important concept for archbishops and bishops who came into conflict with each other and their cathedral chapters, and the kings defended their rights in amendments to the law, with reference to the requirement of *lýðni* and *þjónusta* from contumacious subjects.

²⁵ *Hb* 25, 26, 36 (2), 37 (3), 42, 58, 63 (2), 88, 94, 98, 100, 142, 146 (3), 150, 168. In sixteen of the cases the term occurs in the form *lýðni*, in five as *lýða* in the sense of ‘obey’. When a figure is stated in parentheses after a reference it means that the term is mentioned that number of times in the chapter.

²⁶ *Talen* 8, 9 (6), 10 (8), 11, 20.

²⁷ *Könungs skuggsiá* [*KS*] 3, 25, 43 (2), 53, 69, 71, 73, 74 (2), 75, 79, 83, 96, 106, 109 (5), 110.

²⁸ The provincial laws, *F* II 1, 15, *G* 28, and *F* II 15, have *lýða* in one sense that probably means ‘listen to’, but it can also be interpreted as ‘obey’. It is not counted here.

²⁹ National laws: *NG* 9, 22, anhang IIa, *NB* 14, *ML* i, II 9, II 12, X 1, X 2, *H* 16, 42, 48. In addition *lýðskýlda* occurs seven times not counted here.

³⁰ Amendments: *Ra* 456–57, *Rc* 23, 24, 27–28 (3), 32.

³¹ *Hb* 2 (2), 18 (2), 20, 30, 32, 35, 36, 70, 73, 82, 84, 92, 94, 95 (2), 99, 105 (2), 109, 116, 124, 129, 131 (2), 132, 137–43 (23), 144, 145, 146, 149, 150, 151. Holtsmark has 60 references. The four that she has in addition to mine refer to clerical *þjónusta*.

³² *Talen* 2, 7, 8 (2), 10 (3), 11.

³³ *KS* 1, 2, 24, 38 (3), 39 (10), 40 (2), 41 (4), 42 (7), 43, 44 (5), 45 (3), 46 (3), 47 (4), 49 (2), 50 (2), 55 (2), 56, 58, 64 (2), 66, 67, 69, 70, 72 (3), 74 (3), 79 (4), 83, 91, 92, 93/95, 93/96, 103, 110, 111 (2), 112 (4), 113 (2), 114 (2), 117, 118 (2), 119 (3), 124, 125 (2), 126, 133.

³⁴ Provincial laws: *E* I 10, 28, 31, 34, 45, *G* 8–9, 198, *F* II 10, 11, 14, 40, 44, XI 21, *B* I 12, II 20, 27, III 15.

³⁵ National laws: *NG* 10, *NB* 14, *ML* II 2, 3, III 1, X 1, *B* I 2, VI 7, *J* 8, 10, 12, 40, 63, *H* 1, 2, 5, 18, 19, 20, 22, 23, 24, 25, 26, 27, 29, 33, 34, 46, 47, 48, 51, 54. In some of the laws the term is used more than once. That is not indicated here, and the total number is therefore slightly higher than stated here.

³⁶ Amendments: *Ra* 446 (2), 460, 457, *Rb* 473, *Sc* 229 (2), 233, 242.

achieve some currency in the contemporary sagas, while *lýðni* remained a peripheral term (see table 2.3, p. 71). It was not until *Könungs skuggsiá* and the national laws from the second half of the thirteenth century that *lýðni* also came into more general use in secular contexts.

In the following I shall look more closely at the type of subordination indicated by the normative sources. I will first consider the relationship to God, because in is in this sphere that the terms are used earliest, before I go on to examine the relationship to the king. A distinction will be made between relations based on *lýðni* and those based on *þjónusta*.

CHAPTER ONE

THE FORERUNNER: THE RELATIONSHIP TO GOD

In the analysis of the relationship to God, the emphasis is on the early phase up to *c.* 1200. The primary reason for this is that the relationship to God is of interest as a forerunner and a model for the royal ideology that, with the exception of the documents from Magnus Erlingsson's time, is poorly illuminated before *c.* 1200. Moreover, little can be derived from the contemporary sagas about obedience and service to God, with the exception of the saga of the priest Guðmundr góði in *Sturlunga saga*. This short saga contains a quarter of all the references to *lyðni* in the contemporary sagas, in addition to many references to *þjónusta*. The diplomas and *The Homily Book* are the most important sources for reconstructing the relationship to God in the period. The relationship to God in the saga of Guðmundr góði will also be considered. I do not make any sharp distinction between the different types of sources in the analysis, because the aim is to arrive at an all-round picture of the relationship to God in the period.

1. *Obedying God*

The requirement of obedience towards God was absolute in the sense that it was unilateral and obligatory. This distinguishes the relationship from the more contextual relationship that people had to the old gods.¹ In this section I consider the two elements in turn.

The unilateral nature of the obligation in the relationship to God was clear from the fact that people could not demand anything in return from God. According to Alcuin, pride was “the root of all disobedience”,² and the reason why Adam did not obey God's command: “But the new Adam, who is Christ, was obedient to God the Father.”³

¹ Fredrik Paasche, *Kong Sverre*, Oslo 1966 (orig. 1920), pp. 106–7; Steinsland 2000, pp. 88–89; Bagge 2001b, pp. 52, 116, 129, 198.

² “Af þessum ofmetnaðe geresk oll o-lyðni” (*Hb* 25).

³ “en hinn nýie Adam sa er Cristr. var lyðin guði fæðr” (*Hb* 42).

Obedience required patience to “bear the injustices that others cause us”.⁴ This could undoubtedly be a bitter pill to swallow, for the work goes on to say: “Some people bear injustice for a while with seeming patience, so that they can later exact all the more violent revenge.”⁵

In diplomas and laws the requirement of unilateral obedience to God is transferred to apply to the clergy as well. A major point of papal communications to the Norwegian archbishops was to underline their duty to obey the pope.⁶ When Archbishop Eirik, in the aftermath of King Sverre’s death, had been reconciled with his son, King Håkon, Pope Innocent III wrote to him to say how pleased he was about Sverre’s death, but by releasing his accomplice from the pope’s excommunication the archbishop had been guilty of disobedience which had him made him equal to an ape, because he had taken “a power which was not yours and which did not in any way belong to you”.⁷

The duty to obey the pope, however, did not just apply inside the church, but also in society in general. The laws declared obedience to God and the church to be compulsory.⁸ The pope pointed out to the Icelanders in 1198 that it was God’s will that “the low should show their respect for the high”, and that it was “apostasy from God to refuse to obey”.⁹

There was an obvious limitation in this requirement of obedience, however. It applied only to legitimate rulers, which restricted the range to God, the pope, and the lords recognized by him. It was as forbidden to obey illegitimate rulers as it was obligatory to obey legitimate ones. Innocent III’s excommunication of Sverre thus affected not only Sverre

⁴ “vér scolum þolen-moðlega bera ó-scil þau er aðrer bioða oss” (*Hb* 7). This requirement was directed against people’s vengefulness: “In patience we shall find strength to forgive, not an opportunity for revenge” (*Hb* 7).

⁵ “Ðeir ero sumir er þolen-moðlega stanndasc o-scil umm stunnð at siðar mege æirþ auðvællegra hefna” (*Hb* 7).

⁶ *DN* VIII 1 (1154), XVII 854 (1181), VI 5 (1198).

⁷ “usurpando quod tuum non erat nec ad te ullatenus pertinebat” (*DN* VI 9 (1204)). This requirement of obedience also applied to bishops in relation to the archbishop (*DN* VIII 1 (1154)).

⁸ *NG* 9, 22, anhang IIa, *B* 14, *ML* i 8, *Ra* 456–57 (1247).

⁹ “reuerentiam minores maioribus exhiberent [...] scelus idolatrie nolle acquiescere” (*DN* VI 5 (1198)). It was therefore a general duty to obey one’s superiors. The Icelandic chieftains had shown “temerity” (*temeritas*), while lesser men “try to defend themselves with defence for the mighty” (*LD* 114–15).

himself, but also all those who obeyed him.¹⁰ We shall return to this in connection with the relationship to the king.

The duty to obey was unilateral also in the sense that it had “its roots and grounds in the steady foundation of Christ Jesus.”¹¹ This meant that everything that was not connected to the faith was irrelevant for the decisions one made. It was therefore important to remain uninfluenced by other impulses that were by definition unimportant. Archbishop Eirik was praised by the pope for his “constancy” in the face of King Sverre’s outrages.¹² *Canones Nidrosienses* declared that those who had to select men for clerical office should do so “without letting themselves be tempted by bribes or personal considerations”.¹³

Obedience was not only unilateral, but also obligatory. Of course, humans could choose between obeying God or the devil. *The Homily Book* portrayed hell as a parallel to paradise, and people as surrounded by a dual set of angels.¹⁴ However, people could not choose *whether* to submit or not. If they did not actively obey God, it meant that they had submitted to the devil.¹⁵ A person who was disobedient to God had lost his chance of salvation,¹⁶ and was banished and excommunicated from Christian society.¹⁷ A sinner could always be given more opportunities to return to the Christian community, but this was because it was believed that humans, despite their inherent evil, had the potential to improve,¹⁸ and not because the exclusion mechanisms ceased to function.

¹⁰ *DN* VI 7 (1198). The pope described Sverre as “the limb of Satan” (*membrum... diaboli*, *LD* 122–23).

¹¹ “stabile fundamentum quod est Christus Jesus” (*DN* VI 1 (1078)); see also *DN* XVII 854 (1171).

¹² *DN* VI 6 (1198).

¹³ “exclusa munerum et personarum” (*Canones* v, cf. *LD* 46–47). The pope urged the clergy not to “think about the power that comes with consecration, but about circumstances that are the same for all people” (*DN* VIII 1 (1154)).

¹⁴ Everyone had a guardian angel at his side urging him to do good, but if he gave in to evil Satan’s angel came instead (*Hb* 143). Devils could be compared with angels, except that they were proud and not humble (*Hb* 22).

¹⁵ “a person who lives according to the lusts of the body and persists in that [...] binds himself to the devil with his sins” (*Hb* 72). The relationship one entered with the devil, according to Alcuin, was one of service (*Hb* 2).

¹⁶ *Hb* 63, 100, 168.

¹⁷ This meant exclusion not only during life, but also in death. Innocent III wrote a letter with an order that if excommunicated people were buried in a churchyard, their bones were to be dug up and thrown out (*DN* XVII 10 (1200)).

¹⁸ Firstly, the sinner had a period of grace to allow repentance. The foundation charter declared that if a person did not respect the church’s freedom, he was not to

It was impossible to escape from the sight of God. Already in the Early Middle Ages the pope had formulated the principle of “nulla diversitas, nulla varietas”.¹⁹ The new Borgarting Christian law ruled that all those who wanted to call themselves Christian must show obedience to the pope.²⁰ In his letter to the Icelanders in 1198, Innocent III specified that

we carry our pastoral care in such a way that we also extend it to those who live far away, and whom we embrace with loving arms, present as they are even if they are absent in body.²¹

Of the angels as emissaries of God, it says in *The Homily Book* that “they cannot be sent to any place where they do not have God in sight.”²² People were therefore subject to God’s presence everywhere. In the face of God, all people were equal, in that the same type of unconditional obedience was expected of all those who called themselves Christians.

It was this obedience that Guðmundr góði, according to the saga about him, demanded in Iceland in the years around 1200. Even though Guðmundr was undoubtedly a very quarrelsome person, his conflicts cannot be viewed independently of the subordination that he demanded, which was far from the reciprocal and personal friendship that characterized people’s relations to their chieftains and *goðar*.²³ When

be punished until “he fails to amend his behaviour after having been exhorted the second or third time” (*DN* VIII 1 (1154); see also *Passio Olavi*, transl. E. Skard, Oslo 1970, p. 40). Secondly, the actual exclusion happened in stages. The pope prescribed the following procedure if a member of the clergy committed an offence: dismissal from office, expulsion, excommunication, and finally temporal punishment (*DN* XVII 7 (1187–91), see also *DN* VI 6 (1198)). The institution of fines was constructed so that the fines were set in relation to the nature of the offence.

¹⁹ Brian Patrick McGuire, “Autoritetsformer i middelalderen og i dag: Opsummering og tilbageblik”, in B. P. McGuire (ed.), *Autoritet i middelalderen*, Copenhagen 1991, p. 183.

²⁰ *B* 14.

²¹ “ita pastorem sollicitudinem gerimus de propinquis, quod eam extendimus etiam ad remotos, quos absentes corpore spiritu uero presentes caritatis brachiis amplexamur” (*DN* VI 6 (1198); see also *DN* I 1 (1196)).

²² “meðo af því hverge þess sender vesa ef eigi haue þeir goð fyrir augum sér” (*Hb* 141). The fact that the angels only occasionally let themselves be seen by mortals did not mean that they were absent, but the purpose of this was purely pragmatic: “when the angels sometimes show themselves to us as visible beings, it is in order that we shall believe in their invisible power” (*Hb* 141).

²³ The Icelandic literature about Guðmundr góði is extensive, and he has often been assessed negatively, since he is considered to be an exponent of European ideas which helped to undermine the free Icelandic commonwealth (see for example Jón

Guðmundr expressed the customary doubt about whether he should accept the office of bishop in 1203, it was because “it seems to me to be a great responsibility to have to deal with many disobedient and malicious and powerful men”.²⁴ The answer he received from Ögmundr Þorvaldsson, whose initiative the choice of bishop was, illustrates the chieftain’s outlook on relations of obedience: “even if I am disobedient to you, I will be even more disobedient to everyone else, and it will avail no one else to complain.”²⁵ The obligatory, and controversial, thing about the bishop’s demand for obedience is that his chief weapon against disobedient people was to excommunicate them.²⁶

To sum up, people had to obey God, a requirement that was unilateral and obligatory. People could not demand anything in return for their submission to God, and even if one had the theoretical option of ignoring God, it was an illusory freedom of choice, because it meant expulsion from the Christian community.

2. *Serving God*

The relationship to God consisted not only of a bond of obedience that was the same for everyone. It also varied according to how zealously people served God, and those who served him most diligently could achieve a higher position than others. The concept of service thus opened the way for differentiation between people and for a reciprocal aspect in the relationship to God. In the following I shall look more closely at the asymmetrical and high-status character of the service relationship.

The homily on “St Michael and the Angels” in *The Homily Book* disagreed vehemently with those who claimed that there were only two ranks of angels, and instead listed nine classes.²⁷ All served God,

Jóhannesson, *Islands historie i mellomalderen*, Bergen 1969 (orig. 1956), pp. 175–77). Others have praised him as a representative of Gregorianism in Iceland.

²⁴ “mér þykkir vandi mikill fylgja at eiga við marga men óhlýðna ok öfundarfulla ok ríka” (*Gg* 24).

²⁵ “En svá sem ek em þér óhlýðinn, þá mun ek öllum öðrum óhlýðnari, ok engum mun stoða öðrum um at vanda” (*Gg* 24).

²⁶ *Isl* 20, 21; also in the variant *Stu K* 160.

²⁷ *Hb* 136–43. The different ranks were as follows: angels, archangels, virtues, powers, principalities, dominations, thrones, “filled with wisdom”, and “burning” or “blazing” (*Hb* 137–38). These were divided hierarchically, but the author does not specify in what order.

but with different duties and ranks. These ranks were then compared to classes of people,²⁸ and in the following homily, “All Saints’ Day”, the hierarchy of angels constituted only one of six categories.²⁹ This meant not only that a hierarchy was introduced among people, but also that a reciprocal element was added to the relationship to God. The hierarchy was based on the fact that it was possible to reach God through intermediaries, saints, and angels, who could plead people’s causes before God. The consequence of this was obvious: “We must therefore invoke the assistance of God’s angels, because they carry our prayers to God.”³⁰ Saints and angels acted as people’s patrons, and it was crucial to have a good relationship with them if one wanted to gain a hearing for one’s case from God.

This idea of reciprocity became, to some extent, a part of official clerical doctrine. In *Passio Olavi* Archbishop Øystein described a series of miracles, the moral of which was that it paid to support the cult of the saints to the full. Parts of the idea of reciprocity, however, were diametrically opposed to the attempts of the clergy to instil an idea of obedience, according to which a subordinate could not demand anything in return. For most people, the almighty God, who demanded unconditional obedience, had a limited appeal. Reciprocity was too important to abandon, and the relationship of personal service to the saints allowed this idea to live on. People could attach themselves to patrons in the religious sphere through saints and angels, as they were used to doing in the temporal realm through chieftains.³¹

²⁸ The corresponding ranks among humans were as follows: the simple-minded, the learned, saints, ascetics and monks, chieftains, the pure of heart, judges, people concerned with the welfare of others, and monks or ascetics (*Hb* 138–39).

²⁹ At the top was God, then the Virgin Mary, followed by the angels in nine classes, holy men (three classes), those who lived in the time of Grace (three classes), and finally a group consisting of martyrs, holy bishops, anchorites, and virgins (*Hb* 144–45).

³⁰ “Af þui scolum ver offi calla engla goþs til fulltíngs oss. þuiat þeir þégia beóner” (*Hb* 142), see also 108, 134. Cf. Oddmund Hjelde, *Norsk preken i det 12. århundre: Studier i Gammel norsk homilieboek*, Oslo 1990, p. 456.

³¹ “The principle of ‘a gift ought to be rewarded’ was one of the basic principles of social relations in barbarian and early feudal society, and it also extended to relations between laymen and saints” (Gurevich 1988, p. 40, cf. the chapter “Peasants and Saints”, pp. 39–77). See also Edvard Bull (the Elder), *Folk og kirke i middelalderen*, Kristiania 1912, pp. 97–98; Helge Ljungberg, “Trúa: En ordhistorisk undersökning till den nordiska religionshistorien”, *Arkiv för nordisk filologi* 62 (1947), pp. 151–71; Folke Ström, “Tro och blot: Två grundbegrepp i fornnordisk religion”, *Arv* 7 (1951), pp. 30–37; Oluf Kolsrud, *Noregs kyrkjesoga I: Millomalderen*, Oslo 1958, pp. 163–70; B. T. Oftestad, T. Rasmussen, and J. Schumacher (ed.), *Norsk kirkehistorie*, Oslo 1991, p. 45; Gro Steinsland, “Fra Yggdrasils ask til korsets tre—tanker om trosskiftet”, in

The tension between the two models of submission is evident in the ambivalent attitude of *The Homily Book* to goading.³² On the one hand, it was clear that Adam had shown disobedience to God by eating of the fruit of the tree of knowledge. On the other hand, the author could see mitigating circumstances in his offence: “Perhaps Adam too would not have sinned if it had not been for the serpent, or the goading of the woman.”³³ Adam was virtually acquitted of his guilt for the Fall, given that it was reasonable that he let himself be goaded.

Not only was the relationship of service reciprocal, great importance was also attached to the honour of serving God. This was scarcely taken for granted, considering the old link between service and lack of freedom. The church was drastic in its efforts to sever the concept of service from this servile association. The pope generally titled himself in his letters as “servant of God’s servants”, usually in Latin (*servus servorum dei*), but later also in Old Norse (*þjón þjóna guðs*).³⁴ The clergy were early in emphasizing the greater value of serving God rather than kings. Sigurd Jorsalfar was praised because he had “placed the kingdom under the most pleasant yoke of the sweet Christ”.³⁵ In his charter to the Norwegian church, Magnus Erlingsson dedicated himself to God’s eternal service, on the grounds that “to serve him is to rule, and his service must be counted as the height of free birth”.³⁶ Subsequently

M. Rindal (ed.), *Fra hedendom til kristendom: Perspektiver på religionsskiftet i Norge*, Oslo 1996, pp. 20–30; Sverre Bagge, “Det politiske middelaldermennesket”, in A. Eidsfeldt *et al.* (ed.), *Holmgang: Om formoderne samfunn: Festskrift til Kåre Lunden*, Oslo 2000(b), pp. 227–42; Jón Viðar Sigurðsson, *Kristninga i Norden 750–1200*, Oslo 2003, pp. 89–90.

³² Archbishop Eirik had felt so uncertain about how goading should be assessed that he had turned to the pope to ask whether priests who incited people to conflict should be judged as severely as priests who fought themselves, and the pope took the opportunity to confirm this (*DN* VI 7 (1198)).

³³ “Adamr myndi oc ægi syngasc ef ægi väre órmr ok a-æggian kono” (*Hb* 151). Cf. also the conflict between the Soul and the Body, when the Body said to the Soul: “My Lord, the Creator, knows that I was not in any way worse than you, for if I neglected my Creator, it was because my soul had encouraged (incited) me to do so” (*Hb* 152). In *Konungs skuggsiá* 82–83, on the other hand, goading is unequivocally condemned.

³⁴ On Latin formulae see p. 53. Old Norse formulae in *Ra* 457 (1248), *DN* III 11 (1268).

³⁵ “regium fastum suavi Christi jugo affectuosissime subjeceritis” (*DN* XIX 25 (1123)). See also *DN* XVII 854 (1171).

³⁶ “me debiti famulatus obsequio perpetuo deuoueam et confligem [obligem] obligacius, cui seruire regnare est, cuius seruitus summa computanda ingenuitas” (“I devote myself with eternal obedience in due service to God, the lord of lords, through whom kings rule, and pledge myself all the more to him; to serve him is to rule, and his service must be counted as the height of free birth”, *MD* 50–55, *LD* 58–63).

the kings were described as God's servants' servants, after the papal pattern.³⁷ Magnus Erlingsson was also the first Norwegian king to call himself king by the grace of God (*dei rex gracia*), which became a permanent royal epithet under Magnus Lagabøte (*Law mender*).³⁸

The Homily Book explained the honourable character of subordination by the fact that it was a precondition for salvation. If one was not obedient, damnation in hell awaited.³⁹ A person became great by humbling himself: "The greater you are, the more you must lower yourself in all things."⁴⁰ This elevated submission had its prime example in Christ, who "made himself small for the sake of our salvation".⁴¹

The fact that degrading submission was a precondition for salvation did not so much mean that the cost of subordination was removed, but more that it was valued according to a different scale. This scale was oriented to the hereafter. First of all, life on earth was unreal and unimportant. The Kingdom of God was the real kingdom, while earthly life was only "the illusion that he [the devil] conjures up for us and tells us to believe in".⁴² Moreover, the next life was so much more important than this life, in that it lasted so much longer and was more polarized in the distribution of joys and sorrows.⁴³

Secondly, one's position in this life was in inverse proportion to the life waiting on the other side. The greater one's torments in this life, the greater would be the joy in the next one, because a good person

³⁷ "gudí þíonar han j sinum kongdome en eigi sealfuum ser" (*Talen* 10–11). See notes 55 and 56 for references in *Konungs skuggsiá* and the laws.

³⁸ See, for example, the treaties of Perth (*MD* 110–11) and Sættargjorden (*NgL* II 467). Cf. Torfinn Tobiassen, "Tronfølgeov og privilegiebrev", *NHU* II, 1969 (orig. 1964), p. 219; Paasche 1966, p. 115; Bagge 1987, p. 26; Joseph Canning, *A History of Medieval Political Thought 300–1450*, London and New York 1996, p. 49, on the epithet in Europe.

³⁹ One homily declared that "we left Paradise and its paradisaal bliss on account of pride and disobedience [and a series of other vices], but the way back to the land of our birth must go through humility and obedience and abstention from everything temporal" (*Hb* 63, see also 94 and 168).

⁴⁰ "þvi mæiri sem þu est þa læg þu þic í ollu" (*Hb* 8), see also: "He who exalts himself will be humbled" (*Hb* 8).

⁴¹ "Guð gerðisc lítil-látr fyrir sacar hæilsu várar" (*Hb* 8). The quotation goes on: "and humbled himself."

⁴² "þvi scrœvi biðr hann trva er hann tælr fyrir" (*Hb* 125), see also *Hb* 94, 4 and 31.

⁴³ This was the reason why those punished by God in this world should thank him, "because he sends them thus the earthly distresses of this world for their sins, instead of letting them suffer eternal torments in the other world" (*Hb* 70, cf. *KS* 107).

“comes closer and closer to God, the more strongly he is tempted”.⁴⁴ The fact that suffering in this life was a precondition for happiness in the life to come meant that self-discipline became a key concept. With Christ, self-discipline acquired a positive sense: “Let us chastise and torment our bodies on account of our sins, so that we can resemble the Lord in his torments.”⁴⁵ God, however, gave no sign or alleviation for those who submitted themselves in this life. Self-discipline only acquired meaning in terms of the afterlife, because longing for heaven and fear of hell overshadowed the values of this life.⁴⁶

A service relationship was probably closer to friendship than was a relationship of obedience because of its personal and more reciprocal character. The idea that it was possible through contact with God’s helpers to obtain his grace must have seemed attractive and recognizable to most people. Yet it must have felt alien that a service relationship, which implied a type of subordination that aroused associations with servile status, could render much honour.⁴⁷

A common feature of obedience and service is that God seemed like a predictable and ever-present master. God was always a righteous judge, and it was impossible to escape his judgement, as *The Homily Book* put it: “the power of divine judgement is everywhere in all its fullness.”⁴⁸ The next question is to what extent attempts were made to transfer the relationship of subordination to the king, in the sense that the king could demand the same obedience and service in the secular sphere that God could in the religious sphere.

⁴⁴ “þvi hældr er hans er mæir costat. þvi betri er hann ok þvi nær-meir guði” (*Hb* 157 (139)). Consequently, someone who had renounced many worldly benefits was more deserving in the eyes of God than someone who had forsaken little: “Christians do not receive a large reward from God if they have not been tempted.”

⁴⁵ “Møðem vér likam varn í mæin-lætom fyrir syndir varar at vér megem gerasc epúrlíkiendr pinslar drotens” (*Hb* 50).

⁴⁶ The horrors of hell are described in more detail than the joys of heaven in the edificatory literature of the Middle Ages. This applies in particular to the visionary literature, with Dante’s *Divina Commedia* being the most famous example. For an analysis of descriptions of hell in Old Norse visionary poetry see Gro Svennebye, *Helvetes kvaler og himmelsk salighet: En studie av forestillinger omkring helvete og himmelriket i Norge i perioden ca. 1100–1300*, unpublished degree thesis in history, Oslo 1999.

⁴⁷ How alien this was in Old Norse culture is emphasized by Bull 1912, pp. 97–98; Hjelde 1990, pp. 457–59; Bagge 1998, pp. 65–66. It is a different matter that churchmen in practice were often more concerned with splendour than with humility (Bagge 1998, pp. 117–18).

⁴⁸ “goþdóms mótttr es í aollom stöþom” (*Hb* 141).

3. *From the relationship to God to the relationship to the king*

In the twelfth century it was primarily subordination to God that was treated in the sources. To the extent that the king was mentioned, it was in connection with his duty of obedience to God and His representatives, the pope and the bishops. Magnus Erlingsson's coronation oath and charter to the church recorded the king's submission to God and the pope, while nothing was said about whether his subjects owed him anything comparable.

The fact that churchmen described subordination as a general virtue nevertheless implied that the king could make similar demands within his own domain.⁴⁹ Augustine had realized the necessity of a temporal power as a consequence of original sin. Secular princes existed as a punishment for people's sin, and as a means to remedy their sinfulness. A king's most important function was to be a *rex iustus*, a king who maintained peace and justice in his kingdom.⁵⁰ In a decree from Magnus Erlingsson's time the pope condemned homicide as a crime, "except when someone does it on the command of a lawful prince and in a lawful way, namely, to uphold justice (*iustitia*)".⁵¹ In keeping with this, Magnus Erlingsson pledged in his coronation oath to:

exercise justice (*justiciam*) in correspondence with the laws of my fathers towards churches, ecclesiastical persons, my subjects, both high and low, and especially widows and orphans, both poor and rich [...].⁵²

It is hardly a coincidence that Magnus was the first Norwegian king who issued laws to guarantee the rule of law throughout the nation, for as a *rex iustus* approved by the church he had as his primary task to ensure the fair administration of justice.⁵³

⁴⁹ This idea was expressed long ago by Keyser (*NHU* II, p. 15).

⁵⁰ Canning 1996, pp. 39–43; Tobiassen 1969 (1964), pp. 220–232; Gunnes 1971, pp. 26–30, 50–58; Bagge 1987, pp. 86–112; Erik Gunnes, "Rex iustus och iniustus, Norway", *KLNM* XIV, cols. 154–56.

⁵¹ "nisi id aliquis de precepto legitimi principis et legitime, scilicet pro iustitia facienda" (Alexander III decree, *LD* 72–73 (1170–72)), cf. *KS* 119). See also temporal punishments as the final instance for spiritual disobedience (*DN* XVII 7 (1187–91)).

⁵² "justitiam faciam ecclesiis, ecclesiasticis personis, populo mihi subdito maioribus et minoribus et precipue viduis et orphanis et pupillis tam pauperibus quam divitibus" (*LD* 64–65 (1163–64)).

⁵³ Helle 1974, pp. 62–63. Kåre Lunden has criticized Claus Krag for claiming that the administration of justice did not become a royal concern until the coming of the Christian royal ideology, arguing that this also applied in pre-Christian times (Kåre Lunden, review of Claus Krag's *Vikingtid og rikssamling 800–1130*", *CM* 2 1995, pp. 181–91). In more general terms, there has been disagreement as to how much the

Magnus Erlingsson's submission to God in the charter he granted to the church was to serve as a pattern for later kings. Even in the royalist *The Speech* from King Sverre's circle it was said that the king "serves God and not himself in his kingdom".⁵⁴ On the one hand, the king counted for little against God. In *Konungs skuggsiá* the king was repeatedly described as *þion guds* and *þrell guds*.⁵⁵ This designation was incorporated under Magnus Lagabøte and is used in his laws and in later amendments to the laws.⁵⁶

On the other hand, the king was viewed in a completely different light in relation to his subjects. *Konungs skuggsiá* underlines the duty of everyone to "bow to him [the king] as to God himself", because the king "signifies divine lordship".⁵⁷ Submitting to the king was merely a different way to formulate submission to God. The king's submission to God therefore allowed the king and God to be portrayed as parallel rulers, each in his own domain. *The Homily Book* presented God as ruler of the angels, and the angels in turn were compared to humans.⁵⁸ *Konungs skuggsiá* considered God's lordship over the angels as a model for how the king should rule over his people. The angels' identity was associated with their obedience to God, because if they were disobedient, they ceased to be angels and became devils.⁵⁹ Whoever was disobedient to the king was likewise expelled from his kingdom.⁶⁰

A major point in the *rex iustus* ideology, however, was that the king ceased to be king the moment he ceased to be just. This became a crucial controversy during the Investiture contest, when the pope claimed that he had the right to depose the emperor if he did not live up to the Christian ideal of justice. This problem became relevant for the first time in Norway with the pope's excommunication of King Sverre,

royal ideology borrowed from Christianity and how much from Germanic roots. Gro Steinsland believes that pagan sacral kingship has been underestimated as a predecessor of the royal ideology of the High Middle Ages (Steinsland 2000, pp. 92–97, 157–58). For a different view, see Claus Krag, review of Gro Steinsland's *Den hellige kongen*, *CM* 2001, pp. 211–25, with a reply from Gro Steinsland ("Om Claus Krag's syn på kilder og metoder", *CM* 2001, pp. 233–41).

⁵⁴ "gudí þionar han í sinum kongdome en eigi sealfuum ser" (*Talen* 10–11).

⁵⁵ *Þion guds*: *KS* 74, 92, 125; *þionustumadr guds*: *KS* 113, 126; *þrell guds*: *KS* 92, 93/95; *þjónusta guds*: *KS* 91, 125.

⁵⁶ *ML* II 2, III 1, *Bl* II 2, *H* 1, 2, *Rc* 46 (1302).

⁵⁷ "luta til hans sëm til guðs [...] konongrinn mærkir guðligha tign" (*KS* 73).

⁵⁸ Cf. notes 27–29.

⁵⁹ "though created with such beauty, they were subject to this law, that they must show obedience and love towards their Creator" (*þeir skulldu hallda lýðni oc ast sëmð viðr skapara sinn*, *KS* 79).

⁶⁰ *KS* 109.

which also meant that the people were relieved of their duty of obedience to him and were actually forbidden to obey him.⁶¹ This action could be defended with reference to Magnus Erlingsson's coronation oath, in which the king submitted to the church.

Magnus' submission to the church in his coronation oath, unlike his submission to God in the charter, provoked much opposition among later kings.⁶² The reaction in *The Speech* was to invert the relationship and to emphasize that the clergy were obliged to obey the king just like other groups, based on the biblical account of how Christ preached obedience to Caesar.⁶³ *Könungs skuggsiá* used the same example as *The Speech*,⁶⁴ but proclaimed a more dualistic outlook, although a certain supremacy was ascribed to the king.⁶⁵ The dualism is most prominent in the revision of the law by Magnus Lagabøte,⁶⁶ but it was abandoned in later revisions.⁶⁷ I shall not consider in detail the conflict between church and crown, as the central concern in this study is how the relationship to God functioned as a pattern for the relationship to the king.

The laws can illustrate how important the relationship to God was as a model for the king's supremacy in the temporal sphere. I have previously mentioned that the first references to *lýðni* in the laws concerned the duty of obedience to God and the church. In the new Borgarting Christian law, however, there was an addition that this duty applied not only to God and the church, but also to the church's "superiors both spiritual and temporal".⁶⁸ Here we see a concrete example of how subordination to the church paved the way not only for "spiritual superiors", but also for superiors of a more temporal character.

⁶¹ *DN* VI, 7 (1198).

⁶² Cf. the discussion in *Hákonar saga Hákonarsonar* in connection with Hákon's coronation in 1247 (*HsH* 253–54, 257–58), and in connection with Sættargjarden in 1277 (*NgL* II 462–63).

⁶³ *Talen* 9–11.

⁶⁴ *KS* 73–74.

⁶⁵ The king and the bishop were God's servants, each in his own sphere, but the difference was that the king's sword bit irrespective of the matter, while the bishop's only bit if it struck justly (*KS* 126), cf. Bagge 1987, pp. 113–43.

⁶⁶ The king and bishop were described as God's servants and representatives (*ML* II 2, *Bl* II 2).

⁶⁷ The duty of the clergy to submit to the king is emphasized here several times. The king's demand for *þjónusta*: *Rc* 32 (undated), 90 (1311), 56–7 (1303), 83 (1308–9). The king's demand for *lýðni*: *Rc* 89 (1310). The king's demand for *trúnaðr*: *Rc* 77 (1308).

⁶⁸ "yfírmæn badhe andelighæ oc wæraldzligha", *NG* anhang IIa (*NgL* II 336). See also *F* II 1.

CHAPTER TWO

THE RELATIONSHIP TO THE KING

In the following I shall examine how the relationship to the king incorporated the two modes of subordination that I found in connection with the relationship to God: the unilateral and obligatory obedience and the high-status and asymmetrical, yet more reciprocal and personal, relationship of service. Table 2.2 shows a quantitative survey of the use of *lýðni* and *þjónusta* concerning the king's relationship to peasants and the hird in normative sources. In addition, I have included the term *lýðskylda*, which Hertzberg translates as 'a subject's duty of obedience; especially to the king' (i.e., allegiance).¹ It is used only in the laws.

The tendency is that *lýðni* is mainly used about the king's relationship to the peasants in the normative sources, with roughly three times as many references as to the hird. If we ignore the amendments, which partly deviate from this pattern, and which will not be considered until we reach the conclusion, the pattern becomes even more distinct, with 26 references to peasants as against four to the hird. *Þjónusta*, on the other hand, is used about fifteen times as often about the hird as about the peasants in relation to the king, and the difference is even more striking if the amendments are omitted (87 versus 3 times).

¹ *Glossarium*. Fritzner's translation means 'duty, obligation, whereby the subordinate is bound to do what is incumbent on him in relation to his superior'. *Lýðskylda* has as a variant *þegnskylda*, which Hertzberg translates as 'undersaatlig forpliktelse' (obligation as a subject).

Table 2.2. Quantitative survey of the use of *lýðni* and *þjónusta* concerning the king's relationship to peasants and the hird in normative sources.

		<i>The Speech</i>	<i>Konungs skuggsiá</i>	The laws	Amendments
<i>Lýðni</i>	Peasants (total 34)	9 ²	7 ³	10 ⁴	8 ⁵
	Hird (total 12)	—	1 ⁶	3 ⁷	7 ⁸
<i>Þjónusta</i>	Peasants (total 6)	—	2 ⁹	1 ¹⁰	3 ¹¹
	Hird (total 93)	1 ¹²	66 ¹³	20 ¹⁴	5 ¹⁵

We find the same tendency in the contemporary sagas. Table 2.3 gives a survey of when *lýðni* and *þjónusta* are used about the king's relationship to peasants and the hird in these sagas.

The most striking thing about the use of *lýðni* in the contemporary sagas is how rarely it occurs, considering how central it was in the normative sources. The fact that the term is employed only once in *Sverris saga* and not at all in the shorter version of *Böglunga sögur* is not so surprising, however, since the only certain reference to a secular use of the term we have from the time these sagas were written down comes from a single charter,

² *Talen* 8, 9 (5), 10 (2), 20. "Peasants" is interpreted here in a general sense as "the people". When a figure is stated in parentheses after a reference it means that the term is mentioned that number of times in the chapter.

³ *KS* 43 (2), 53, 69, 73, 74, 96.

⁴ *Lýðni* (4): *NG* anhang IIa, *ML* II 12, X 1, 2. *Lýðskylda* (6): *ML* II 2, 3, 12 (2), III 1, *NG* 8.

⁵ *Lýðni* (7): *Rc* 23, 24, 27–28, 66, 112, 113, 132. *Lýðskylda* (1): 211.

⁶ *KS* 106.

⁷ *Lýðni* (3): *ML* II 9, *H* 42, 48.

⁸ *Lýðni* (5): *Rc* 50, 66, 80, 89, 105. *Lýðskylda* (2): 56–57, 90.

⁹ *KS* 42 (2).

¹⁰ *ML* X 1.

¹¹ *Ra* 460, *Rc* 70, 79.

¹² *Talen* 7. The reference here is to "chieftains". The people are not mentioned in connection with *þjónusta*.

¹³ *KS* 1, 2, 38 (3), 39 (10), 40 (2), 41 (4), 42 (5), 43, 44 (5), 45 (3), 46 (2), 47 (4), 49, 50 (2), 55 (2), 56, 58, 64 (2), 67, 69, 72 (3), 110, 111 (2), 112 (2), 113, 114 (2), 117, 118 (2).

¹⁴ *ML* II 3, *H* 1, 5, 18, 19, 20, 22, 23, 24, 25, 26, 27, 29, 33, 34, 46, 47, 48, 51, 54.

¹⁵ *Rc* 45–46, 79, 85, 89, 147.

Table 2.3. Quantitative survey of the use of *lýðni* and *þjónusta* concerning relations to the king in contemporary sagas.

		<i>Sverris saga</i>	<i>Böglunga sögur</i>	<i>Hákonar saga Hákonarsonar</i>	<i>Sturlunga saga</i>
<i>Lýðni</i>	Peasants (total 7)	1 ¹⁶	—	2 ¹⁷	4 ¹⁸
	Hird (total 2)	—	—	2 ¹⁹	—
<i>Þjónusta</i>	Peasants (total 21)	9 ²⁰	—	3 ²¹	9 ²²
	Hird (total 72)	20 ²³	3 ²⁴	32 ²⁵	17 ²⁶

as we have seen.²⁷ On the other hand, it is more surprising that the term was not used more than four times in *Hákonar saga Hákonarsonar*, when we bear in mind that it was written after *Konungs skuggsiá*, where *lýðni* was a common term (cf. table 2.1). A preliminary interpretation of this could be that the official royal ideology had a limited impact in the sagas.

Lýðni mostly refers to the peasants' obligation to obey the king, with seven out of nine references.²⁸ The two references to the hird's subordination to the king are atypical not only statistically, but also because the demand for *lýðni* here, in contrast to that in the preceding

¹⁶ *Svs* 16.

¹⁷ *HsH* 17, 311.

¹⁸ *Ísl* 38 (2), *Þk* 48, *Króksfjarðarbók* 2.

¹⁹ *HsH* 18, 177.

²⁰ *Svs* 3, 43*, 84 (2)*, 96*, 99 (3)*, 104. References marked with * mean that they also occur in connection with another group, i.e. here the hird.

²¹ *HsH* 95*, 103*, 257.

²² *Þk* 22, 48 (4), *Þsk* 37*, 54 (2)*, 73.

²³ *Svs* 1, 8 (2), 9 (2), 10, 11 (2), 39, 43*, 59, 84 (2)*, 96*, 99 (3)*, 147, 153, 165.

²⁴ *Bs* 1, 4, 26.

²⁵ *HsH* 1, 5 (2), 7, 9 (2), 10, 12 (2), 15, 20, 34, 48, 85, 95*, 103*, 134, 139 (5), 177 (2), 202, 229, 231, 292, 309 (2), 329, 330.

²⁶ *Ísl* 125, 142, *Þsk* 37*, 54 (2)* (serving a chieftain); *Geirm* 4, *Ísl* 36, 79 (2), *Þsk* 1, 2, *Stþ* 2 (2) (private service); *Gg* 2, *Þsk* 4 (2), *Stþ* 2 (serving a king).

²⁷ *DN I* 3 (1207–17). *Lýðni* is also used in *Talen*, but almost exclusively in argumentation about the duty of the clergy to obey. In the sagas of historical kings before 1230 *lýðni* is a rare term. In *Heimskringla* it is used only three times (according to a search of the database, www.snerpa.is/net).

²⁸ In addition, *lýðskýlda* is used once each in *Böglunga sögur* and *Hákonar saga Hákonarsonar*, both times about the relationship of peasants to the king (*Bs* 26, *HsH* 17).

episodes, was controversial.²⁹ Most of the references to peasants are to their subordination in connection with *konungstekja*, the election of a king.³⁰ Only once does *lýðni* refer to peasants from a locality submitting to the king.³¹

Þjónusta is used about ten times as often as *lýðni* in the contemporary sagas, and three to four times more often about the hird than about the peasants. Most times the word refers to peasants in vague terms as “the people” or the like. The majority of the references to the hird in the kings’ sagas are to a collective of hirdmen.³² Occasionally *þjónusta* denotes service or servants of a more private character, mostly in the form of the nouns *þjónustumaðr* or *þjónn*.³³ This tendency is even more marked in *Sturlunga saga*.³⁴ In addition, hirdmen are sometimes mentioned individually in *Hákonar saga Hákonarsonar*, probably referring to hirdmen who shared the king’s table.³⁵ In other cases it is more doubtful whether such men were members of the hird.³⁶

In the following I distinguish between the peasants’ relationship to the king, which will be treated as a relationship of obedience, and the hird’s relationship to the king, which can be regarded as a relationship based on service. The difference between the two types of relationship, however, will not be a premise for the study, but will be problematized and specified as we proceed.

²⁹ The clergy in Bergen agreed to show *lýðni* to King Hákon in 1217, but this took place against the archbishop’s orders (*HsH* 18). Skule Bårdsson refused to show *lýðni* to the king in 1233 (*HsH* 177).

³⁰ *Bs* 26 (in 1207), *HsH* 17 (in 1217); *HsH* 311 and *Króksfjarðarbók* 2 (Iceland 1262), *Ísl* 38 (Iceland 1220). This also applies to *lýðskylda*: *Bs* 26 (1207) and *HsH* 17 (1217).

³¹ This applied to the Hadelanders in relation to Sverre in 1177 (*Svs* 16), and to the Vestfirðingar in relation to Þórðr kakali (*Pk* 48).

³² *Svs* 8 (2), 9 (2), 10, 39, 43*, 59, 84 (2)*, 96*, 99 (3)*, 147; *Bs* 1, 26; *HsH* 5 (2), 9 (2), 10, 12, 15, 48, 85, 103*, 134, 139 (5), 229, 292.

³³ *Svs* 1, 165; *Bs* 4; *HsH* 309, 329, 330.

³⁴ *Geirm* 4, *Ísl* 36, 79 (2), *Psk* 1, 2, *Stþ* 2 (2).

³⁵ This applies to Hide and his brother, Ivar Bodde, Ivar Korne, and Gunnar Mirmann, and Torstein of Heimnes (*HsH* 7, 20, 202, 231).

³⁶ In two cases this applies to high-ranking clergy (*HsH* 12, 95*), while the other cases are secular magnates: Torstein Kugad (*Svs* 153), the German duke Filippus, Arnbjörn Jonsson, Simon Kyr, Skule Bårdsson, and Magnus Hákonsson (*HsH* 1, 34, 134, 139 (5), 177 (2), 309). In addition three Icelandic magnates had a service relationship to the Norwegian king in *Sturlunga saga* (*Gg* 2: Þorvarðr Þorvarðsson, *Psk* 4 (2): Þorgils skarði, *Stþ* 2: Sturla Þórðarson).

1. *The relationship of obedience between king and peasants*

The old Gulating law opens with a statement about the king, that “he should be our friend and we his and God friend to us all”.³⁷ Magnus Lagabøte, in his national law, could still refer to his friends, but now it was more common that the people were designated as subjects (*þegnar*).³⁸ In the following I shall investigate whether the relationship between the king and the peasants was presented in the same way as people’s obedience to God, which was a unilateral and obligatory relationship. This will first be analysed in normative sources (*The Speech*, *Konungs skuggsiá*, and the laws) and thereafter in the contemporary sagas. In addition to the term *lýðni* I shall consider the term *eiðr* in the sense of an oath of allegiance, because the election of a king with the swearing of an oath is central for determining the formal relationship between king and peasants. *Konungstekja* (the election of a king) normally consisted of the royal candidate asking those assembled at the *þing* to accept him as king. If this was approved, the king was given the name of king and granted land and subjects. He then swore to maintain the national law, whereupon the assembly swore an oath of allegiance to him.³⁹

The unilateral aspect of subordination

According to clerical sources, people had to obey God unconditionally, in the sense that they could not demand anything in return. To what extent was this unilateral duty of obedience formalized in the peasants’ relationship to the king?

The normative sources

The relationship between king and peasants is peripheral in both *The Speech* and *Konungs skuggsiá*. It is portrayed as unilateral, but only in general and rather vague terms. *The Speech* focuses on the king’s relationship to the clergy, which accounts for roughly half of the references to *lýðni*.⁴⁰ The other half refer to the king’s demand for obedience in general, which will be equated here with the relationship between king

³⁷ “se hann vinr varr: en ver hans. en guð se allra varra vinr” (*G* 1).

³⁸ *ML* preface.

³⁹ *ML* II 6–12, *H* 5–11, cf. Arne Bøe, “Konge: Innleiing og Noreg”, *KLNM* IX, col. 3; Steinar Imsen, “Tronfølge, Norge”, *KLNM* XVIII, cols. 590–92.

⁴⁰ *Talen* 9, 10 (6), 11.

and peasants.⁴¹ *The Speech* advocates kingship with strong power and the obligation of everyone to obey the king. This duty left little room for reciprocity, since it applied regardless of whether the ruler was good or evil: “All you small men shall submit and be obedient to your lords in everything, not only to the gentle lords, but also to the quick-tempered ones.”⁴² One argument for this was that Christ and Peter had obeyed the emperor, even though he was not a Christian at the time.⁴³

In *Konungs skuggsiá* the peasants, unlike the hird and the merchants, had no section of their own.⁴⁴ Their peripheral role in the work is evident from the fact that they are referred to much less frequently in connection with terms for subordination than the hird is, and from the fact that *lýðni* occurs less commonly than *þjónusta*.⁴⁵ The work described in general terms the king’s lordship over the peasants as unilateral, as in the introduction to the section on the king, where the king’s power is said to be so great that “he controls all the days of every man in his kingdom”.⁴⁶ Formulations like these, however, are rarely expounded in specific detail.⁴⁷

The laws were much more concerned with the relationship between king and peasants than were *The Speech* and *Konungs skuggsiá*, and they can therefore give us a clearer view of how this was envisaged. It is particularly in connection with the formulas for oaths that the king’s demand for the peasants’ obedience is elaborated. On the one hand, the peasants through their oath of loyalty pledged to display unilateral obedience to the king, because the oath was supposed to make them

⁴¹ *Talen* 8, 9 (5), 10 (2), 20, cf. the table for *lýðni*. It is not specifically stated that the requirement of *lýðni* in such cases applied to peasants, but that it applied generally.

⁴² “Alle hínir smærre menn verer vndir orpner ok lýdnir j allum lutum lafwardum ydrum” (*Talen* 9).

⁴³ “And you must all know that when God asked the apostle Peter and himself to show such obedience to Caesar or the monarchy, they were then pagans, both Caesar and all the other chieftains in the whole world” (*Talen* 10, cf. Gunnes 1971 pp. 174–82 on the background).

⁴⁴ The reason for this is either that the work is incomplete (Sverre Bagge, “Old Norse Theories of Society: From *Rígsþula* to *Konungs skuggsiá*”, in J. E. Schnall and R. Simek (ed.), *Speculum Regale: Der altnorwegische Königsspiegel (Konungs skuggsiá) in der europäischen Tradition*, Vienna 2000, pp. 12–13), or that the peasants had a peripheral place in the royal ideology.

⁴⁵ Peasants are mentioned nine times (seven times *lýðni*, twice *þjónusta*), while the figures for the hird are 68 (1 and 67 respectively), cf. table 2.2. *Lýðni* is used 21 versus 97 times, cf. table 2.1.

⁴⁶ “hann ræðr hværs lífdagum þærs er ihans ríki er” (*KS* 73), cf. Bagge 1987, pp. 165–66.

⁴⁷ Bagge 1987, pp. 31–39.

understand that they were “all the more obliged to show loyalty and fidelity and obedience to the king”.⁴⁸

On the other hand, this did not give the king total freedom in relation to the peasants. Admittedly, the national law did state that the king “is above the laws”, but this is said only once, and the passage is isolated in the law as a whole.⁴⁹ The law dictated clear limits as to how far the king could demand obedience from the peasants. Firstly, the king’s demand for obedience was limited to what the law prescribed; it was specified that the law was a result of earlier reciprocal agreements.⁵⁰ Secondly, the king also had to swear an oath to observe the law; this was called “the king’s pledge”.⁵¹ One can therefore say that the laws upheld the king’s demand for unilateral obedience, but with the qualification that this was pursued within a conception of law that was predominantly defined as reciprocal. It is nevertheless clear that the reciprocity applied only to the establishment of the actual framework for the maintenance of the law, and that within this framework the king could legitimately expect the peasants’ obedience in the same way as God could. The king was in control of “commands and bans” (*bóði oc banni*),⁵² and also achieved a certain freedom from the law through the right to “punish for purification of the land and for peace” (*refsa til landréinsanar oc friðar*), which is first attested in 1163.⁵³ In addition, the king could reward deserving peasants by giving them favourable

⁴⁸ “þui skyldugare til hollastu oc þegnskyldu oc lyðni við konong” (*ML* II 12 (31), cf. *Bl* III 10, *H* 10).

⁴⁹ “er ifir login skipaðr” (*ML* I 11). The passage is influenced by the expression from Roman law, “legibus solutus est” (Knut Robberstad, *Retts saga* I, Oslo 1971, p. 190; Gunnes 1971, p. 233). There is, broadly speaking, agreement among historians that the laws reflected an initially reciprocal relationship between the king and the peasants (Absalon Taranger, *Udsigt over den norske rets historie*, Christiania 1898, pp. 191–92, 200–1; Robberstad 1971, pp. 144, 176), but disagreement as to how much the laws are influenced by legislative positivism and natural law (Helle 1974, pp. 230–31; Knut Helle, “Nye og gamle standpunkter på det norske middelaldersamfunnet”, *Heimen* 1977, pp. 517–18; Steinar Imsen, “Innledning”, *Hirdloven til Norges konge og hans håndgangne menn*, Oslo 2000, pp. 9–55; Ole Jørgen Benedictow, “Konge, hird og retterboten av 17. juni 1308”, *HT* 51 (1972); vs. Lunden 1976, pp. 389–95; Kåre Lunden, “Hovudsynspunkt på mellomalderstidens samfunnet”, *Heimen* 1979, pp. 50–51).

⁵⁰ “Ye shall render him all the lawful obedience (*lyðskulldu*) with all the laws and rights (*lunnendi*), that Saint Olav established between the king and those who inhabit the land, and others of his proper successors have now established between the king and the people with the consent of both parties” (*ML* II 12, cf. *Bl* III 10, *H* 10, *NG* 9).

⁵¹ *ML* II 8.

⁵² *G* 295, *ML* III 1, cf. Taranger 1898, p. 190.

⁵³ *G* 32 (note p. 341 in the translation), *F* V 45, *ML* IV 3, cf. Taranger 1898, p. 195; Krag 1995, p. 181.

amendments, and conversely give disobedient peasants severe amendments.⁵⁴ The king's use of amendments can therefore be regarded as a parallel to the way in which the hierarchy of service in *The Homily Book* gave God the possibility to differentiate relations to individuals according to their merits.

The contemporary sagas

The significance that the laws attributed to the *konungstekja* is confirmed in the kings' sagas, where the ceremony is described in connection with all those who are named kings in the sagas.⁵⁵ *Sverris saga* and *Böglunga sögur*, however, have only very brief descriptions of the ceremony. *Sverris saga* has only one reference to an *eiðr* and *Böglunga sögur* has one to *lýðskýlda* as part of the election of a king.⁵⁶ Otherwise we are told that the candidate "was accepted as king" or "received the name of king", and occasionally it is also said that the whole land was confirmed to him by oath,⁵⁷ or that he was accepted as a liege lord.⁵⁸ It is difficult to deduce anything about the relationship between king and peasants from these accounts. The king's oath is never mentioned, but this is scarcely because the king was perceived as being free in relation to the peasants, because in these sagas there is no mention either of the subjects' oath or their duty of obedience. In *Sverris saga*, on the other hand, another restriction on royal power is mentioned in connection with Magnus Erlingsson, namely, the king's pledge to God when taking the oath.⁵⁹

⁵⁴ The principle is formulated at the end of the preface to the national law and was practised in the amendments. While the peasants at Hedmark and Toten received a favourable amendment in 1293 as a consequence of their loyal behaviour, their fellows in Ringerike and Hadeland received less favourable terms in an amendment a few years later, because they had been disobedient to the king (*Re* 19–23, 27–30). Cf. Grethe Authén Blom, *Kongemakt og privilegier i Norge inntil 1387*, Oslo 1967, pp. 6–7, 59.

⁵⁵ *Sverris saga*: Sverre (11 Viken, 16 Øyrating), Jon Kuvlung (101 Haugating, 108 Øyrating), Sigurd Magnusson (119 Orkneys, 119 Haugating), Inge Magnusson (132 Borgarting, 142 Øyrating, 178 Lusakaupang). *Böglunga sögur*: Håkon Sverresson (2 Øyrating), Guttorm Sigurdsson (7 Øyrating), Inge Bårdsson (12 Øyrating, 16 Haugating), Erling Magnusson (9 Haugating, 16 Øyrating), Filippus Simonsson (26 Borgarting, 33 Øyrating). *Hákonar saga Hákonarsonar*: Håkon (17 Øyrating, 23–24 Gulating, 297, 311 Iceland), Skule (199 Øyrating, 220 Oslo), Håkon Unge (223 Øyrating, 225 Gulating), Magnus (292 Øyrating). In addition, we are told that Knut Håkonsson was elected king (145), while there is no corresponding record for his predecessor, Sigurd ribbung.

⁵⁶ *Szs* 101, *Bs* 26.

⁵⁷ *Szs* 16, 101, *Bs* 26.

⁵⁸ *Szs* 11, 119, *Bs* 2, 9.

⁵⁹ *Szs* 60, 84, 112.

The *konungstekja* is described in much more detail in *Hákonar saga Hákonarsonar*. Hákon Hákonsson was made king in 1217–18, Skule Bårdsson in 1239, and the sons of Hákon, Hákon Unge and Magnus, in 1240 and 1257 respectively, and Hákon in Iceland in 1262.⁶⁰ Even though the saga does not describe any more elections than the other sagas do, it refers to *lýðni* twice, *lýðskylda* once, and *eiðr* 23 times, in connection with every *konungstekja*.

When Hákon Hákonsson was elected king in 1217, no oath was sworn, but this was because the clergy in Nidaros refused to release the shrine of Saint Olav on which the oath was to be sworn. The saga then relates how “all the people of Trøndelag promised him all due obedience and allegiance [*lýðskylda*]”.⁶¹ In isolation, this could perhaps be interpreted as unilateral subordination, but this is ruled out by the subsequent account, where it is specified that the peasants promised obedience “as completely as if he had sworn the oath to them and they to him”.⁶² The reciprocal aspect of the relationship of obedience is also clear from the fact that the king’s demand for obedience was formulated with the verbs *játa* (“to say yes, consent, promise”), *snúask til* (“to turn to”), and *veita* (“give, grant, support someone with something”).⁶³ In contrast, clerical demands of *lýðni* were formulated with the verb *bjóða* (“command”).⁶⁴

In keeping with the way the laws envisaged the royal administration of justice, the king’s reward to the peasants in return for their obedience could be of a formal character. Both *Hákonar saga Hákonarsonar* and *Sturlunga saga* tell how the king “wanted” (*vildi hafa*) obedience of the Icelanders in 1262, and “in return for this he promised benefits and amendments to the law”.⁶⁵ Obedience was rewarded here with legal reliefs. The king’s pledges in return for the peasants’ obedience, however, could also consist of more informal friendship. When Snorri

⁶⁰ Cf. note 55.

⁶¹ “jatudu allir þrændir honum allri rettri hlydni ok lyðskylldu” (*HsH* 17).

⁶² “sua fullkomlega, sem bædi hefði hann suarit þeim eid ok þeir honum eid” (*HsH* 17).

⁶³ *Játa lýðni*: *Ses* 16, *HsH* 17, *Þk* 48. *Veita lýðni*: *HsH* 18. *Snúask til lýðni*: *Ísl* 38. The only time a verb of command is used in connection with *lýðni* in a secular context is, significantly, when Skule is described as being *skylldugir til hlydni við konginn* (*HsH* 177). I have previously pointed out how unrepresentative this demand was.

⁶⁴ The term *bjóða* is used twice in clerical contexts in *Sturlunga saga* (*Ísl* 26 (2)) *Lýðni* is used once in association with excommunication (*Ísl* 21). The expression “vilja hafa” is used of the king’s demand for the Icelanders’ obedience in 1262 (*HsH* 311, *Króksfjarðarbók* 2).

⁶⁵ *HsH* 311, *Króksfjarðarbók* 2. Cf. the similarity to *ML* II 12.

Sturluson undertook to get the Icelanders to obey the king of Norway in 1218, he wanted

the best men in Iceland to become his friends, and [he] said that through his words he could quickly ensure that people were brought to obey the lords of Norway.⁶⁶

The personal aspect of the relationship between king and peasants is also evident from the fact that the term “service” sometimes is used for it (see table 2.3).

Oaths of loyalty could also be sworn on other occasions than the *konungstekja*.⁶⁷ These likewise do not indicate a wholly unilateral relationship, although they imposed heavy obligations on the person swearing the oath. The contemporary sagas give many examples of how people who had sworn fidelity did all they could to fulfil their oath,⁶⁸ or how a breach of an oath was condemned.⁶⁹ These obligations, however, were not one-sided. Firstly, the recipient of the oath was also obliged to observe it. Skule Bårdsson was called a *níðingr* or “scoundrel” because he had killed sworn men in 1239–40.⁷⁰ In line with this, *Sturlunga saga* tells of a man who felt that he was absolved of the oath of loyalty that he had sworn because the recipient had designs on his life.⁷¹ Secondly, there was a norm according to which an oath of loyalty sworn under duress could be broken, and the issue of how much coercion had been involved gave considerable scope for a person who had an interest

⁶⁶ “at gera ser at vinvm hina beztv men aa, ok kalladiz skiot mega sva koma sinvm ordvm, at monnum mundi synaz at snvaz til lydne við Noregs havþingia” (*Ísl* 38).

⁶⁷ This applied to the people of Jemtland in relation to Sverre in 1178 (*Svs* 26), the people of Sogn in relation to Sverre in 1184 (*Svs* 95), the people of Nidaros in relation to the Baglar in 1197 (*Svs* 137), and the people of Vermland in relation to Hákon Hákonsson in 1225 (*HsH* 101, 103). In addition, *Sturlunga saga* has a detailed account of the attempt by the big chieftains Kolbeinn ungi and Þórðr kakali to subject Vestfirðir in the period 1242–44 (*Ísl* 157, *Þk* 1, 4, 34, see also *Þk* 38, 42, *Ísl* 65, 159, *Svinf* 7).

⁶⁸ *Svs* 60, 84, 112, *HsH* 181, 265. See also *Sturlunga saga* for Þorgils skarði’s oath to the king (*Þsk* 18), and the oath sworn to Kolbeinn ungi by the Vestfirðingar (especially Gísli Markússon) and Sturla Þórðarson (*Þk* 1–3).

⁶⁹ *HsH* 103, 182. See also *Svs* 105, where Sverre felt that Jon Kuvlung had shown poor judgement when he omitted to demand an oath of allegiance from the captured Birkibeinar. The implication was that such oaths were powerful.

⁷⁰ *HsH* 229. In 1217 Skule is said to have sworn his oath to the king in such a way that he was bound by it only as long as the king complied with his part of the agreement (22). This is portrayed as being untypical, but if we follow the national law and *Hirðskrá* we see that this is doubtful. The king was in any case bound by his royal oath and his obligations to the hird.

⁷¹ *Þk* 15, cf. 3, 6 (Sturla Þórðarson versus Kolbeinn ungi).

in breaking an oath.⁷² The contemporary sagas thus suggest that the peasants' relationship to the king, besides the reciprocity at *konungstekja*, had a stronger reciprocal character than the laws prescribed, even in the actual enforcement of the laws. However, there are limits to how much an analysis of the term *lýðni* can say about this. The practical relationship between the king and the peasants will be considered in the next part about practical subordination, where other terms will serve as a basis for the inquiry.

The obligatory aspect of subordination

In Christian doctrine, people had the choice of obeying God or the devil, but if they wanted to be included in the Christian community they had to choose God. To what extent was the requirement of obedience to the king portrayed as binding for all those who lived in his kingdom?

The normative sources

The king's demand for obligatory obedience in *The Speech* was not introduced directly, but was made as part of the attempt to subordinate the clergy. The author proceeded from the church's demand for general obedience in matters of faith, and temporal power did not enter the picture until people disobeyed the commandments of the church: "if those who belong to Christendom are disobedient towards the sacred Christian doctrine, they will not be properly steered on the right course unless they are held in awe by temporal rulers."⁷³ Thus far, *The Speech* was fully in keeping with the pope's outlook.⁷⁴ After this, however, the perspective was reversed, as obedience was transferred from the spiritual to the temporal sphere on the basis of the "error" of which the clergy were guilty "when they despise their king".⁷⁵ Obedience was something the king demanded from everyone in his realm: "It is strictly and

⁷² Harald Gille's breach of the oath he had sworn to Sigurd Magnusson not to take the name of king is the best-known example of this, but in *Hákonar saga Hákonarsonar* too an oath is broken because it was allegedly sworn under duress (*HsH* 104). *Sturlunga saga* has several examples of this (*Ísl* 129, *Þk* 3, 4, *Þsk* 18).

⁷³ "af vlydinum ero hælgom kænningum þeim sëm till kristní hófua þa værða eígi till fullz stíornader næma þeir take retzslo af veralldar höfðingium" (*Talen* 8, unspecified decree).

⁷⁴ Cf. Alexander's decrees cited on p. 66.

⁷⁵ "þeir firirlita konong sín" (*Talen* 7).

clearly commanded that all Christians shall be taught to be loyal and obedient towards the great princes of this world.”⁷⁶ The requirement thus applied to the clergy too: “neither they themselves [learned men] nor others should believe that they are not obliged to show the king full service and fidelity.”⁷⁷ The reason was that the clergy did not have any special rights that set them apart from other groups, as Christ and the apostle Peter had exemplified when they voluntarily consented to obey Caesar.⁷⁸ The author could therefore pose the rhetorical question: “who is so great that he will not show his king full obedience, when even God’s son paid tribute and displayed full obedience towards his earthly king?”⁷⁹ Obedience had gone from concerning purely matters of faith, in which the king was only the executive arm of the clergy, to become a general and compulsory commandment, with the king as the supreme authority.

Konungs skuggsiá also championed the king’s demand for obligatory service on a general basis. This was justified by the fact that the king owned the kingdom and the people who lived in it: “All the men who are in his kingdom are therefore obliged to serve him when so required.”⁸⁰ Here the author used the personal term *þjónusta*, but in a sense that resembles a relationship of obedience more than one of service, for it is specified that the subordination was not confined to those who had rendered homage to the king, but applied to all those who were his *þegnar* (subjects).⁸¹

⁷⁶ “þat er stormæle ok skilít bodord at aller kristnir menn se till lærder at vera trýg-gir ok lýdnir storhofdngíum veralldar” (*Talen* 9, Ambrosius); see also: “Everyone must submit to temporal rulers and be obedient to them” (*Talen* 9, Paulus).

⁷⁷ “hýgdí eígi ædr enger adrar at þeir se eígi skýlldugir kononge till þionostu ædr fullz trunadar” (*Talen* 8), see also: “the duty of servants of the holy church to show the king obedience and full veneration and unfailing loyalty” (*Talen* 11).

⁷⁸ God said to Peter: “Take your hook and cast it in deep water; and take the first fish that you catch, open its mouth and there you will find a coin, and this same coin you shall pay as tribute for me and for you, for we shall not refuse obedience to Caesar any more than anyone else” (*Talen* 10), “Render to Caesar what is Caesar’s, and to God what is God’s.” God’s son showed such obedience to the temporal king when he was ordered in Jerusalem to pay tribute to Caesar” (ibid.). Here *Talen* is quoting Matthew 17.

⁷⁹ “Ædr huer er sua mýkýll madr firir ser at han vílí eígi vera vndír fullrí lýdni vidr konong sín. þar sëm sealfuer guds sonr gallt skatt ok var vndir fullrí lýdni vidr konong sín” (*Talen* 9).

⁸⁰ “eru aller þeir menn er i hans ríki eru skylder honum til þionosto þægar hans nauðsyniar krefia” (*KS* 42).

⁸¹ *KS* 42.

In the laws the obligatory character of the peasants' obedience to the king was especially underlined with the term *lýðskylda* 'allegiance'. This word is hardly used in normative sources other than the laws,⁸² but it does have a central position in the national law to denote the peasants' obligations to the king.⁸³ The obligatory aspect of the subordination is also clear from the fact that the assembly to acclaim the king, unlike the *lögþing*, remained a general assembly, an *alþingi*, in the High Middle Ages.⁸⁴ With the law on succession from 1163 onwards, however, a distinction was made between finding the most suitable candidate for the throne on the one hand, and the legally binding acclamation of the king on the other hand. While the question of the succession was to be considered by twelve of the best men from each diocese together with the bishops, the actual election of a king (*konungstekja*) took place at a general assembly.⁸⁵ A general assembly, however, did not mean that all peasants attended and swore the oath of allegiance to the king. At the *alþingi* it was therefore also necessary to make the peasants who were present into representatives for the absentees, as a way to render the latter legally bound to obey the decisions taken at the assembly. I quote the relevant passage of the national law in its entirety. It followed immediately after the formula of the oath:

Not only those who swear are obliged to observe this oath, but all those born and unborn with duty to the king of Norway, those who wish to benefit from his protection. The king of Norway is likewise obliged to help those who are sitting at home to enjoy their legal rights, as much as those who are at the assembly with him. All those in the country also owe him fidelity, even if they do not all swear the oath of allegiance to him. And everyone knows that the king is equally obliged to show justice towards a child born in the last year of the king's life as to a man who swore the oath to him at the first assembly. Everyone who wishes to benefit from the laws and be worthy of this therefore owes him all the legal duties of allegiance.⁸⁶

⁸² The only place I have found the term is in *KS* (421, variant). In addition, it is used in diplomas after 1280.

⁸³ *ML* II 3, 12 (3), III 1, see also *NG* 2 and *B* 14.

⁸⁴ Jørn Sandnes, "Øreting", *KLNM* XXI, col. 11; Per Sveaas Andersen, "Ting, Norge", *KLNM* XVIII, cols. 348, 351–53; Bøe, "Konge" *KLNM* IX, col. 3; Absalon Taranger, "Alting og lagting", *HT* 26 (1924), pp. 12–14, 17–31.

⁸⁵ On the succession: Magnus Erlingsson's (*G* 2) and Hákon Hákonsson's succession law (*MD* 106–7) and the national law (*ML* II 6). On elections of kings: Hákon Hákonsson's law on succession (*MD* 108–11) and the national law (*ML* II 12).

⁸⁶ "Eru oc eigi at eins þeir skyldugir til at hallda þenna eið er sueria. nema hellðr aller þeir er in hans skyldu eru alner oc uborner þeir sem hans ue(r)ndar vilia niota.

The circumstantial nature of this passage says something about how important, and tricky, it was considered to extend the attendees' obligation to apply to everyone.

The laws, however, stated a quite unambiguous restriction on the obligatory aspect of the relationship between king and peasants, for the law applied only to "those who wish to benefit from his [the king's] protection."⁸⁷ This voluntary character is a typical feature of the amendments of the law. For example, an amendment to the peasants of Hedmark and Toten from 1293 concerned "those who wish to be obedient to God and in a subject's proper allegiance towards us."⁸⁸ No attempt was made to have the amendment apply to everyone, but the crucial thing was whether the recipient was willing or not to receive it. This voluntary element may be viewed as a parallel to the relationship to God, since it was emphasized that people were free to choose between God and the devil. Those who chose the devil, however, could expect heavy sanctions in the form of exclusion from the community. In the same way, a man who chose to leave the community of the law became an outlaw, without the protection of the law.⁸⁹ Instead of focusing on the obligation to obey God and king, the emphasis was on the imprudence of disobedient behaviour. Hell had its temporal parallel in "the fog of great error by which the majority of this country's people have been so vexatiously blinded", to use the

Þui at Noregs konungr er þeim iamskylldr til retra mala at fylgia er heima sitia sem hinum er þa eru a þingi hia honum. Sua eru oc hinir allir skyldugir til allz trygleiks er in eru landinu þo at eigi sueri allir men honum trunaðar eið. Þat vitu oc aller men at þat barn sem fætt uerðr a siðazta uetre konungs æuar. at konungr er iamskyldugr þui rett at gera sem þeim manni er honum suor eið a fyrsta þingi. Sua eru honum oc aller skyldugir til allra logligra þegnskyldu þeir sem laga uilia niota oc þeirra uilia uerðir vera" (*ML* II 12, cf. *NG* 8). See also the earlier section: "foolish [*fávitrir*] people cannot refuse the chieftains lawful service [*tegnskyld*, variant: *lydskyld*] out of defiance or short-sighted ignorance" (*ML* II 2). The peasants' foolishness was not associated with disobedience, but could also be due to ignorance, since *fávitr* can mean "ignorant, imprudent, simple-minded".

⁸⁷ *ML* II 12. Later in the section the same thing is repeated with "laws" instead of "protection".

⁸⁸ "vilium ver þæssar rettærbætær gærna haldæ vidær alla dughandæ men þa sæm i lydni vilia vera vidær god ok rettre þæghnskyld vidær os" (*Rc* 23). In the amendments at the end of the national law, the king appealed to "all the men of Norway, who stand in the right relationship to God and in true obedience and submission to the proper king of Norway" (*ML* X 1, 2).

⁸⁹ Carl Fredrik Wisløff, *Norsk kirkehistorie*, Oslo 1966, p. 124; Bagge 2001b, p. 329.

expression of the national law.⁹⁰ The cardinal error of the people was that they had refused to obey legitimate kings and had supported rival and illegitimate claimants to the throne.

The contemporary sagas

The contemporary kings' sagas, as we have seen, described *konungstekja* in connection with the accession of all the kings. The ceremony is recounted in detail in *Hákonar saga Hákonarsonar* with the swearing of oaths and occasional references to obedience, while it is described more briefly in the two preceding sagas. The kings' sagas, however, are unclear in their portrayal of whether the acclamation ceremony took place at a representative or a general assembly. On the one hand, the acclamation assembly is presented in accordance with the laws as an *alþingi*, where as many peasants as possible gathered. In 1217 a "multitude" (*fioldi*) of peasants came from Trøndelag to acclaim Hákon when he was accepted as king.⁹¹ The saga adds that a large number of peasants were assembled to pay homage, "as the custom is when a king is elected".⁹² On the other hand, we read in connection with the acclamation of Sverre in 1177 and the sons of Hákon, Hákon Unge and Magnus, in 1240 and 1257 respectively, that twelve peasants came from each *fylke*.⁹³ Here it is evident that the principle of representation in the succession law was also followed at the acclamation ceremony.

The sagas can help to explain why the acclamation ceremonies are sometimes described as representative assemblies and other times as general assemblies. In 1223 King Hákon summoned over twenty of the best peasants in Vermland to attend him in Tunsberg in order to obtain their support for the Ribbungs. The peasants swore that they would not resist the king in the future, and the king then sent men who had the agreements proclaimed at local assemblies of the common people in Vermland.⁹⁴ It therefore seems reasonable to assume that the assembled peasants here appeared as representatives for the rest of the Vermlanders before the king. The saga, however, reports that the agreements were not only "proclaimed" (*lyst*), but also "approved"

⁹⁰ "þa miklu villu þoku er mesti lutr folks þessa landz hefir sua hormliga verit blin-dath" (*ML* II 3, cf. *Bl* II 3, *H* 1). Cf. the image of dearth in *Konungs skuggsiá*.

⁹¹ *HsH* 17.

⁹² "sua sem sidr er til" (*HsH* 17).

⁹³ *Svs* 15, *HsH* 223, 297. Here, however, the relevant units are *fylker*, not dioceses.

⁹⁴ *HsH* 101.

(*iatad*) at the Vermland assemblies.⁹⁵ If the best peasants had acted as representatives, this approval would not have been necessary. The need to have the agreements both proclaimed and approved shows that the principle of representation was not unambiguously established.⁹⁶

Sturlunga saga can illustrate how unclear the principle of representation was in practice. In 1242 the powerful chieftain Kolbeinn ungi sent men to Vestfirðir to make people there swear their loyalty to him. According to the brief account in *Íslendinga saga*, the peasants called a meeting where the oath sworn by the assembled peasants meant that Kolbeinn gained control over the area.⁹⁷ *Þórðar saga kakala* has a more detailed description of the same events. It tells how Kolbeinn's men visited the big peasants in the area and tried to win them over to his cause, whereupon they swore their loyalty to Kolbeinn.⁹⁸ These big peasants cannot automatically be considered as representatives of the other peasants. First of all, the matter did not end with their oath to Kolbeinn; this was only the first step to get the other peasants to take the oath.⁹⁹ Secondly, the saga says that most other peasants, but not all, swore the oath to Kolbeinn after the big peasants had done so.¹⁰⁰ The big peasants acted as intermediaries between the powerful chieftain and the peasants, because they had a local power which meant that it was important for chieftains seeking control over the area to gain their support. It was nevertheless entirely through personal ties that the chieftain's mastery was established, and their control did not extend beyond the circle of the big peasants' friends and clients.

⁹⁵ *HsH* 101.

⁹⁶ For the election of the king in 1217 the terminology is likewise inconsistent. At the acclamation of the king in Nidaros we are told both that a multitude (*fioldi*) came and that everyone (*allir*) attended. Dagfinn bonde had arrived from West Norway before the election, bearing a letter written "on behalf of" (*af hendi*) everyone from Gulating, and later the same year in Bergen "the best men" (*þinnir bestu*) from Gulating to the acclamation assembly in Bergen (*HsH* 17–23).

⁹⁷ *Ísl* 157.

⁹⁸ *Bk* 1. The most important big peasants visited by Kolbeinn's men were Einarr Þorvaldsson, Ásgrímur Bergþórsson, and Gísli Markússon.

⁹⁹ The saga says that, after Einarr Þorvaldsson had sworn the oath of allegiance to Kolbeinn, it was easy enough to get the peasants in the area to take the oath, "as one might expect" (*Bk* 1). The reason was that several of the biggest peasants there were friends of Kolbeinn, and that everyone wanted to follow Einarr.

¹⁰⁰ In Gísli Markússon's area we are told that, after Gísli had taken the oath, the peasants who were asked to swear did so, and some refused (*Bk* 1). It was evidently not essential to make everyone in the area swear the oath.

To sum up, the obligatory aspect of the relationship to God was transferred with little change to the relationship to the king. The obligatory relationship of obedience between king and peasants was established through oaths sworn at *konungstekja*. This obligation applied to everyone in the king's realm, including those who were not present at the assembly where the king was acclaimed. The exception applied to those who did not wish to establish a relationship to the king, but they were outlawed, just as those who denied God were excluded from the fellowship through excommunication. Both the laws and the contemporary sagas, however, implied that it was difficult to gain acceptance for the notion that the relationship between the king and the peasants was impersonal and mediated through representatives. The practical character of this relationship is the theme of the chapter about the king and the peasants.

2. *The relationship of service between the king and the hird*

Þjónusta, as we have seen, was the predominant term describing the relationship between the king and the hird. The hird had its origin in the king's private retinue, similar to the private bodyguards of other chieftains, and can probably be traced back to the Germanic *comitatus*.¹⁰¹ This relationship can be described as initially having been a patron-client one, which was personal, asymmetrical, and reciprocal, with the hirdman rendering service to the king in return for his protection.¹⁰² Gradually the hird grew out of this private framework and took on a more public character.¹⁰³ Unlike the peasants' duty of obedience,

¹⁰¹ Lars Hamre, "Hird", *KLNM* VI, cols. 568–69, 572. See also Green 1965. The question of continuity from the *comitatus* to the hird is nevertheless controversial. Green has been criticized by many (cf. Hans-Werner Goetz, "Social and military institutions", in R. McKitterick (ed.), *New Cambridge Medieval History* Vol. II, c. 700–c. 900, Cambridge 1995, p. 470).

¹⁰² Cf. note 113 in the introduction on patron–client relationships.

¹⁰³ See for example Helle 1974, p. 200. Ragnar Eimhjellen performs a mainly institutional analysis of the royal hird in *Kongshirda i Norge 1177–1263: Samansetjing og omfang*, unpublished degree thesis in history, Bergen 1970. However, the use of the dichotomy of public and private has been heavily criticized in recent historical research. In particular, historians inspired by legal anthropology have criticized the *Annales* school for the use of these concepts, cf. White 1996, White 2004, and Barton 2004, p. 144. The many nuances of the relationship between private and public are discussed in Anders Berge, *Vitner, rett og individ i Den eldre Gulatingsloven og Magnus Lagabotes Landslov*, unpublished degree thesis in history, Oslo 2002.

however, the hird's relationship of service to the king remained on a personal basis. The *Hirðskrá* started by specifying that the hirdmen "have paid homage to him [the king] and have been chosen by all the people in the land to guard the king and serve him personally in all the things he leaves to our unswerving loyalty and total service."¹⁰⁴

On the one hand, the private character of the hird gave the king the advantage that, by attaching men to himself in the hird, he could free himself from the mutual restrictions of friendship, as a result of the greater asymmetry that the relationship of service involved. This is the theme for the following discussion of the unilateral aspect of royal service. On the other hand, the private origin of the hird could represent a problem for the king, because hirdmen could be associated with household servants of low status. This will be considered in connection with high-status subordination. Let us now examine how the unilateral and prestigious aspect of the service relationship is portrayed in the normative sources (*The Speech*, *Konungs skuggsiá*, and the laws) and the contemporary sagas.

The unilateral aspect of subordination

The normative sources

The Speech was mostly concerned with the king's relationship to the clergy, while his relationship to the hird, and to the peasants, is only touched on indirectly. The hird could, on the one hand, be compared to the clergy and the people in general in that they were all subject to the same requirement of unilateral obedience to the king. This duty applied on every level, not only between king and peasants, but also between king and his chieftains: "let no one believe that commands from lesser men can absolve him from what an earthly king has decreed."¹⁰⁵ On the other hand, chieftains could also act as the king's emissaries, demanding obedience from the people.¹⁰⁶ This did not mean that they themselves were released from their obedience to the king, but it showed

¹⁰⁴ "honum ero handgengnir: oc af allu landz folkino valdir konongenom til hirdar oc hæimolegrar þionostu oc i öllum lutum þeim sem han fær oss i hendr til ubrigðileghs trunaðar oc fullominnar þionostu" (*H* 1).

¹⁰⁵ "eigi hýggi þat men at sma mæle mege lófa þat sæm iærdlegr konongr skípar" (*Talen* 9).

¹⁰⁶ *Talen* 9. Obedience applied to "king or emperor or other chieftains whom the king sends in his stead".

that, in addition to ties of obedience, they also had a relationship of service to the king. The reciprocity of this relationship is evident from the king's need for the chieftains' support, since they are described as those who "serve him and help him to govern the kingdom."¹⁰⁷ With its mixture of hierarchy and reciprocity, the service relationship, more than the unilateral relationship of obedience, served as the foundation for the picture of Christian society as a human body in the introduction to *The Speech*.¹⁰⁸ The hierarchical element was a consequence of the varying status of different bodily functions, while the reciprocity was expressed in the fact that all the members had to perform their prescribed tasks if the body was to function.¹⁰⁹

In *Konungs skuggsiá* the relationship between the king and the hird is central, and *þjónusta*, as we have seen, was a key term designating this relationship. The unilateral element of the relationship was underlined through a series of examples from the Old Testament, which illustrated a virtually unconditional submission to the king. This explanation particularly concerned the relationship between King Saul and his hirdman David. David's duty to serve was absolute, even after Saul had tried to kill him. The king, for his part, could infringe customary norms to punish a servant who had been disobedient.¹¹⁰ The only person who could depose the king was his lord, God.¹¹¹

¹⁰⁷ "hofdingia þa er honom þiona ædr hans menn þa er stýrkía ríkis giætslo mædr honom" (*Talen* 7). One of the characteristics of such relationships was that the superior allowed himself to be goaded by the subordinate. *Talen* made the pope's excommunication of Sverre seem like the result of his being incited by Norwegian clergy. The pope thus went free, and the Norwegian clergy could be accused (*Talen* 3). Likewise, the people were not liable for the homicides they had committed, since they had been incited by the clergy (*Talen* 2–3). Cf. *Hb* 152.

¹⁰⁸ *Talen* 1–3. The allegory explicitly concerned only the church, but in keeping with the early medieval use of the term *ecclesia*, the church was perceived as embracing the whole of society. This image of society was common in clerical literature in the Middle Ages (cf. Gunnes 1971, pp. 51–52).

¹⁰⁹ Earls and big chieftains were the shoulders and back, while feudal lords were upper arms and hirdmen of lower rank were lower arms, all with the duty of helping the king (the breast and heart). The clergy were the head and the organs, while the peasants were given a subordinate place as legs and feet, which had to work for the body. The body had become sick because "each limb has now given up the work and the service [*þjónusta*] assigned to it" (*Talen* 2). This was the fault of the clergy.

¹¹⁰ David's son, King Solomon, had a man killed although he had sought refuge in the church and demanded safe conduct to leave it (*KS* 120–21).

¹¹¹ David refused to kill Saul and punished those who had killed him, because God was Saul's lord (*KS* 107, 113–15).

The unilateral subordination described in the story of David and Saul, however, fails to fully cover the way the rest of the work treats the relationship between the king and the hird. Although hirdmen pledged to submit to the king, they also gained benefits from entering the king's service. Among the more concrete advantages, they received "the king's full support and friendship in whatever might arise in dealing with other people."¹¹² The relationship between king and hirdman is seen here as a patron–client relationship, in which the king gave protection in return for the hirdman's service. It is also characteristic that *Konungs skuggsiá* does not distinguish between the king and other powerful men as patrons in this type of relationship. It was a general principle that "chieftains must care for all those under them in service and authority",¹¹³ and this means that the king, like any other magnate, had to offer effective protection in order to attract clients.¹¹⁴ In a reciprocal patron–client relationship like this, the client could also terminate his relationship to the king. On one occasion the Father says to the Son: "Love your chieftain without fail *as long as you wish to serve him*."¹¹⁵

Konungs skuggsiá gives an example of how this service hierarchy could work: the story of the Athenian citizen Stefanus, who was accused on his deathbed of having passed incorrect judgements. The evil angels wanted to bring him to hell, but the good angels protested, and a trial was arranged to settle the matter. When Stefanus was accused of having taken a piece of land from the church of Saint Laurencius, one of the angels said to Stefanus that he ought to summon the holy priest Justinus, because Stefanus had "served him a great deal in many ways".¹¹⁶ Justinus arrived at Stefanus' request and prayed to Laurencius

¹¹² "ífullu konongs trausti oc hans vinatto hvat sœm til hannda kann atbæraz við aðra menn um viðr skipti" (*KS* 43).

¹¹³ "hofðingiar bæra ahyggiu firi ollum þeim er unnder þeim ero at þionosto eða at vælde" (*KS* 49).

¹¹⁴ In the introduction the Son asked about "the customs of kings and other big chieftains and the men who follow and serve them" (*KS* 1), with no distinction being made between the king and other chieftains. Sverre Bagge has pointed out that *Konungs skuggsiá* distinguishes between the king and other chieftains in clerical but not in secular contexts (Bagge 1987, p. 211).

¹¹⁵ "Ælska hofðingia þinn væl firi utan allar flærðer mæðan þu villt hanum þionat hafa" (*KS* 56, italics mine). *Hirðskrá* considered this passage when recommending the hird to serve the king unfailingly, "as long as you wish to be retained in his service" (*H* 29).

¹¹⁶ "hæfir þu hanum mikit þionat. Í marghum lutum" (*KS* 103).

on his behalf, and this time the danger was averted.¹¹⁷ Finally, however, a case came up in which Stefanus could not defend himself. Justinus and Laurencius then went together to the Virgin Mary and beseeched her to ask God to show mercy to Stefanus, which she did.¹¹⁸

This story can be interpreted as a use of the hierarchy described by *The Homily Book* in “Saint Michael and the Angels”, where angels and saints pleaded people’s causes before God. *Konungs skuggsiá*, however, was much more concerned with the actual pronouncement of the judgement than *The Homily Book* was. The judgement differs from the traditional reconciliation in that the judge was not supposed to show any consideration for friendship or gifts when pronouncing his judgement.¹¹⁹ On the other hand, the actual judgement was portrayed as a reconciliation between the Judge’s four sisters, Truth, Justice, Mercy, and Peace: “Now you shall always be reconciled and unanimous in every judgement.”¹²⁰ If it was not possible to influence the judge through gifts, this did not mean that he could not be swayed. Now, however, it was the intent of the accused that was crucial. Someone who displayed regret had a chance of a more lenient judgement than someone who was unrepentant.

This mixture of unilaterality and reciprocity in God’s and the king’s relationship to their servants is evident from God’s words to the just king who came to his kingdom: “Welcome, faithful servant and good friend.”¹²¹ The king was both God’s servant and His friend. In the same way, the Son could appear in the work as “an obedient and humble son” to his father,¹²² without this implying any outright submission. For it was pointless for the father to try to force the Son to consent or be silent; he always had to argue to convince him.¹²³

¹¹⁷ Justinus asked Laurencius for help, “since he had forgiven him the matter that he had against him and no other charge against him had been found true except the one that was now being considered” (*KS* 103).

¹¹⁸ *KS* 103–4.

¹¹⁹ *KS* 104, 102.

¹²⁰ “Nu skalú ianнан þær sattar væra oc samþyckar a hværium domi” (*KS* 77–78).

¹²¹ “Þu ert uel kominn tryggð þíonn ok gods uinr” (*KS* 125).

¹²² “lyðnum syni oc litillatom” (*KS* 3).

¹²³ After the Father had discoursed on how fine it was to serve the king, the Son concluded: “this matter [...] has now been expounded for me with good and complete answers” (*KS* 43). It is in the nature of the dialogue form that the relationship was reciprocal.

In *Hirðskrá* the relationship between the king and the hird is almost exclusively described as being one of service.¹²⁴ Historians have disagreed about how asymmetrical the relationship was. According to Keyser, Taranger, and Helle, the hird's relationship to the king was more unilaterally binding than the peasants' relationship to the king, because it represented a new field that gave the king an opportunity to circumvent the customary reciprocal relationship to the peasants.¹²⁵ Aschehoug, Maurer, Robberstad, and Benedictow, on the other hand, believe that the king's relationship to the hird was not essentially different from his relationship to the peasants, because—like the latter—it had the character of an agreement between two parties who were in principle equal.¹²⁶

The relationship of the hird to the king in *Hirðskrá* seems to involve more obligations than that of the peasants. For example, it was expected that “guests” should be more reliable guards than men who were not bound to the king through service.¹²⁷ The king could also demand that hirdmen do what he asked of them, and dismiss them if they had not performed their service to his satisfaction.¹²⁸

Despite this, the great subordination required of the hird did not mean that the demands made of the hird were more unilateral than in the case of the peasants. First of all, there were clear limits to how far the king could go in relation to hirdmen. He could not dismiss or punish hirdmen unless they had broken the law, and in cases of disagreement it was not the king who decided, but a commission set up to assess the question of guilt.¹²⁹ Secondly, the oath hirdmen swore at the election of a king entailed more reciprocity than the peasants' oath. The first part of the oath sworn by peasants and hirdmen had identical formulas whereby they pledged to be “loyal and faithful”

¹²⁴ *Þjónusta* has 29 references to hirdmen in the laws, of which 28 are from *Hirðskrá* (see table 2.2). By comparison, *Hirðskrá* only has two references to *ljóðni* in connection with hirdmen.

¹²⁵ Rudolf Keyser, *Efterladte Skrifter* II, Kristiania 1867, pp. 236–39; Taranger 1898, pp. 58–59; Helle 1974, p. 228.

¹²⁶ T. H. Aschehoug, *Statsforfatningen i Norge og Danmark indtil 1814*, Kristiania 1866, pp. 145–46; Konrad Maurer, *Vorlesungen über altnordische Rechtsgeschichte* I, Leipzig 1907, pp. 307–8; Robberstad 1971, pp. 144, 160, 202; Benedictow 1972, pp. 239–53. For an intermediate position, see Imsen 2000, pp. 33–34.

¹²⁷ *H* 46. The guests formed one corporation in the hird.

¹²⁸ On the demands made of hirdmen: *H* 47 (candlebearers), *H* 51 (waiters). On termination: *H* 33, 34, 46, 48, 54.

¹²⁹ *H* 13, 17, 20, 48.

(*hollr oc trur*) to the king,¹³⁰ but in the later part of the hirdmen's oath the reciprocity of the relationship is emphasized through their duty to "strengthen him [the king] and his kingdom."¹³¹ In addition, the term *lýðskýlda* is not used about the hird's relationship to the king, and *lýðni* only in connection with the oath sword by dukes and earls, probably because these nobles were to govern a part of the country on behalf of the king, demanding the peasants' obedience.¹³²

The contemporary sagas

The portrayal of the relationship between the king and hird in the contemporary sagas can help to shed light on the hirdmen's ambiguous position as the king's humble servants and his allies. On the one hand, the hirdmen were strictly obliged to display unconditional loyalty to the king. This asymmetry is obvious from the hird's devotion to the king,¹³³ and from their willingness to sacrifice their lives for him.¹³⁴ The asymmetry is also evident in the king's unilateral granting of mercy, as when Håvard jarlssønn after the battle at Fimreite in 1184 pointed out that Sverre "wishes to be gracious to all those who will serve him without deceit."¹³⁵ The could thus king make stringent demands on any man admitted to the hird. When the Icelandic chieftains Þorgils skarði and Sturla Þórðarson tried to be accepted into the king's service they were told that it was difficult, and in Sturla's case virtually hopeless, to be admitted to the hird.¹³⁶

The asymmetry could not be based on coercion, however, but only on the parties' mutual interest in the relationship. The self-sacrificing attitude of the Birkibeinar did not necessarily express unilateral subordination, for even the leaders risked something by putting up resistance,

¹³⁰ *ML* II 9–12.

¹³¹ "styrkia hann ok hans ríki" (*ML* II 10, *H* 8).

¹³² "Þat len sem hann (konungr) ucitir mer skal ek trygliga hallda með þeirri lýðni oc eptirlæte [...] veita skal ek honum alla þa hlyðni sem godom hertuga eða iarle ber at ucita konungi" (*ML* II 9, second part in *H* 7). The king for his part pledged "hans iarl-dom i ollu styrkia oc styðia til þess æfnis oc allrar loglegrar lýðni" (*H* 12, 16).

¹³³ *Svs* 3, 104, *HsH* 309.

¹³⁴ When Sverre hesitated to become their king in 1177, the Birkibeinar pointed out: "we have lost father and brothers and almost all our kinsmen and peace for the sake of your father" (*Svs* 9). Magnus Erlingsson (*Svs* 39, 84) and Hákon Hákonsson (*HsH* 4, 15) likewise benefited from this willingness of their men to sacrifice themselves.

¹³⁵ "Mun hann ok óllum þeim miskunna, er honum wilia þiona at flærdlausu" (*Svs* 99).

¹³⁶ *Þsk* 4, *Stþ* 2.

as evidenced by Sverre's reluctance to be elected king.¹³⁷ His men's love for him was likewise balanced by his own obligation to "take care of those who served him".¹³⁸ The shared interests gave this relationship a symmetry that is clearly seen in Sverre's description of the men of Trøndelag after the battle of Kalvskinnet: "The Trønds were dearest to him of all the men in the country [...] they had always served under the same shield."¹³⁹ The king's power to grant mercy did not annul this reciprocity. After Håvard jarlsson had emphasized Sverre's great willingness to show mercy after the battle of Fimreite, he continued: "Consider now for whom things will go best, for him who seeks his friendship, or for him who allies himself with those who are against his will."¹⁴⁰ The invocation of the king's mercy had little chance of standing on its own legs; it required more substantial arguments to convince people. The main argument for supporting Sverre was that one could share in his success.

There is also good reason for a close examination of the description in *Sturlunga saga* of the unattainability of royal service. In the tales of Þorgils skarði and Sturla Þórðarson the saga applies a widespread topos from Icelandic *þættir* with scenes from the Norwegian *hird*, which tell of "how an Icelander achieves a certain position because of mental or physical accomplishments".¹⁴¹ The premise for Þorgils' and Sturla's success was that they encountered and overcame a significant obstacle, which meant that serving the king had to be depicted as a virtually unattainable goal. The reason why the reciprocal aspect of royal service was toned down in these cases was thus probably a desire to portray the two Icelanders in the most fortunate light.

Sverris saga shows more clearly the demands that the *hird* could make of the king. In 1177 the Birkibeinar went as far as to face Sverre with the choice of becoming their king or being killed.¹⁴² Even if this demand was scarcely representative, *Hákonar saga Hákonarsonar* also tells

¹³⁷ *Svs* 9.

¹³⁸ "bera vannda fyrir þeim er honom þionoðu" (*Svs* 10).

¹³⁹ "gerði hann sér Þrændi kærsta allz lanz-folcs [...] hófdu jafnan þionad wnnðir hinn sama skiolld" (*Svs* 43). Magnus Erlingsson's corresponding support in Viken was highlighted through the use of the favourably charged word *lotning* 'veneration', which implied reciprocal friendship (*Svs* 83).

¹⁴⁰ "hygit at hvarum betr fer þeim er hniga vilia til hans vinattu eða þeim er imoti bindaz hans vilia" (*Svs* 99).

¹⁴¹ Bjarni Guðnason, "Þættir", *KLNM* XX, col. 407.

¹⁴² *Svs* 9.

of the hirdmen's expressions of discontent about the king's reluctance to satisfy their demands, albeit not as openly as in *Sverris saga*. In 1213 the nine-year-old Håkon Håkonsson was visited by his kinsmen, who tried to persuade him to become king to lead a host against King Inge Bårdsson. They believed that they could gather many supporters, because "we now hear many old Birkibeinar saying that they seem to have been paid less than they deserve".¹⁴³

The relationship of service between king and hird is presented both in the contemporary sagas and in the normative sources as an asymmetrical patron–client nexus, and the normative sources in particular emphasize the inequality of the relationship. Despite this, it is not depicted as unilateral. Unlike the case of the peasants, the mutual benefit enjoyed by both sides and the rewards the hird could expect for their subordination are clearly recorded. However, it was essential that the benefits provided by the king outweighed the costs of strict subordination. In the following I shall look more closely at these costs.

The high-status aspect of subordination

Clerical sources constantly emphasized the grandeur of serving God, but without promising any reward in this life. For secular rulers it was their ability to reward their men that ultimately determined how large a hird they could build up. An essential requirement, as well as a result, of effective royal power was that serving the king was not perceived as degrading. Sagas like *Heimskringla* and *Egils saga* go a long way to explaining why it was so important to depict royal service as an honour, for in these sagas it is apparent that serving the king could be perceived as bringing little honour. It was not the relationship to the king itself that was the complaint, but the demand for strict submission that the relationship implied. Service under the king was compared with slavery (*áþján*) in *Egils saga*, and was reckoned as a major reason why people moved to Iceland.¹⁴⁴ *Heimskringla* referred to a number of spokesmen against over-ambitious kings.¹⁴⁵

¹⁴³ "ver heyrum nu marga Birkibeina forna vm ræða, ath minna gott þickiazt upp taka, en til hafa þionat" (*HsH* 10). Service in the hird is portrayed as being something that could be terminated in *Svs* 9 and *HsH* 48.

¹⁴⁴ *Eg* 59, cf. 4, 25.

¹⁴⁵ *HH* 59, *OH* 120, 148, *MG* 27. Cf. Iversen 1997, pp. 167–80 on the servile origin of the post of steward (*ármaðr*) and its gradual rise in status.

The normative sources

The honour of serving the king was one of the chief points in the normative sources, apart from *The Speech*. The latter was nevertheless aware that serving the king gave status, the reason being that “God had placed him [the king] higher in his service than others”.¹⁴⁶ Serving the king and serving God were therefore two sides of the same coin, and a precondition for achieving salvation: “he who does not show full allegiance and veneration for the king’s dignity, and the proper obedience, will lose his soul.”¹⁴⁷

Konungs skuggsiá used the Christian idea of a basic complementarity between this world and the next to emphasize the honour of serving the king. In the king’s prayer the ruler asserted his humility in the face of God: “For I am a work of thy hands, created in thine image, thy slave, conceived in the sin of thy servant, son of thy handmaiden.”¹⁴⁸ The king was nevertheless “so exalted and honoured in God’s sublime service that everyone must bow to him as to God.”¹⁴⁹ The reason was that by serving the king “everyone serves God and the holy name borne by the king, but not the king himself.”¹⁵⁰

In the same way that the king’s greatness was due to his serving God, the hird acquired its exalted position by serving the king. This was done by transforming social status into a matter of good manners and courteous (i.e. courtly) behaviour, which was in turn determined by one’s closeness to the king. It was said of the king’s hirdmen that “everyone expects [...] that those who are closer to the king in service and dignity will advance so much further than other men in customs and behaviour than other people will”.¹⁵¹ The honour of serving the

¹⁴⁶ “gud han herra sættan en adra menn j sinni þíonostu” (*Talen* 10).

¹⁴⁷ “huerium liggir salo tíon vídr er eigi gæter fullz trunadar ædr kononglegar úgnar ok rettrar lýdni” (*Talen* 10).

¹⁴⁸ “Opus quippe manuum tuarum sum ego ad imagem tuam formatus seruus tuus in peccatis a famulo tuo progenis et ancille tue filius” / “ec em þin hannda værk skapaðr æpter þinni licnæskiu þræll þinn getinn mæðr syndum af þíoni þínum son ambottar þinnar” (*KS* 93/95). See also: “hann er þo sialfr þíonn guds” (*KS* 74).

¹⁴⁹ “hann se sva mioc miklaðr oc úghnaðr í haleitri Guðs þíonosto at allir niga til hans sva sæm til guðs” (*KS* 74).

¹⁵⁰ “allir þíona guði íþvi oc hælgu nafni eR hann bæRr en æigi sialfum hanum” (*KS* 74).

¹⁵¹ “vænnta þærs aller [...] at þeir munu sva myclu framarr væra en aðrer menn um síðu sína oc mæð færðer sæm þeir værða meiri navistar menn konongs at þíonosto eð yfirlæti en aðrer menn” (*KS* 44). See also: “there are many kinds of services and offices, and most of them which are in meaner service also have less good manners” (*KS* 38).

king consisted in performing the service punctiliously without asking questions. That was why it was so important for the Son to learn the customs there, because they differed from those in the rest of society.¹⁵² At the same time, it was unseemly to question them, as the exaltation of royal service was the foundation for elevating service in a general sense into a virtue.¹⁵³

The Father could criticize both the hird and the king for lack of courtesy. Yet he never went as far as to doubt the exalted character of service. If the hird lacked courtesy it was a deplorable departure from the ideal standard, for which the hird itself bore most of the blame.¹⁵⁴ The Son nevertheless dared to doubt the exaltation of this service by asking:

What does it avail people in royal service, who have both plenty of property and great families, to bind themselves to that service with nothing but the name of housecarle? Why do they not rather seek the honourable title of hirdman, or else stay at home and busy themselves with their own matters, as other peasants do?¹⁵⁵

The Son made a distinction between the titles of housecarle and hirdman, considering only the former to be degrading, yet the implication was that serving the king was not as great an honour as the Father claimed it to be. Nor did Lucifer in the same work share the “official” view that service and honour were two sides of the same coin, for he rebelled against God’s demands for unconditional submission, which he perceived as threats.¹⁵⁶ He himself based his lordship on the support of angels attached to him “with service and full friendship”.¹⁵⁷

The Father’s immediate reaction to a challenge like this was to reject the premises on which they were based. Lucifer’s rebellion was not

¹⁵² *KS* 39.

¹⁵³ Being “þionosto fullr” was one of the crucial properties in the virtue of courtliness (*KS* 64). Cf. examples from the Old Testament (*KS* 67, 69, 111–13, 125).

¹⁵⁴ “many can spend a long time with the king, and be close to him in service, and still have no idea of what courteous behaviour or courtly customs are” (*KS* 50). This could even lead to doubt about the king’s courtliness: “Or why the king has such men close to him in his service who do not wish to live with fine habits when he himself is courteous and good-mannered?” (*KS* 50).

¹⁵⁵ “Hvat snuð sia þeir menn ser ikonongs þionosto er bæðe æigu yfrit fe oc kyn at skylda sec til konongs þionosto mæð huscarls nafni æinu saman. Hvi hafa þeir æigi þær nafnbætr at heita hirðmenn eða ællingar vela heima um sína coste. sëm aðrer bænndr gæra” (*KS* 42).

¹⁵⁶ *KS* 79.

¹⁵⁷ “mæð þionosto oc allri vinatto” (*KS* 79).

hard to dismiss, but the Son's objection could not be swept aside so easily. The Father therefore insisted that the title of housecarle was an honourable one: "Being called the king's housecarle is not to be looked down on as a dishonourable name; it is in fact a highly honourable name for anyone who receives it."¹⁵⁸

He did not stop at this, however, but went on to argue that as a hirdman one received the king's support and friendship.¹⁵⁹ Unlike the peasant who submitted to the king, a hirdman who subordinated himself received in return a share of the king's power and prestige. It was difficult to combine the exalted position of the service with its asymmetry. When the Father was forced to choose between the two, he put the exaltation before the asymmetry.

Hirðskrá followed *Konungs skuggsiá* in its efforts to link the service of the king more closely to the service of God, probably because this weakened its negative associations. The national law began by declaring: "obedience towards the holy church and its leaders gives light and guidance for all lawful justice and merciful conduct."¹⁶⁰ Even the king was God's servant.¹⁶¹ This elevated concept of service was transferred to royal service. Serving the king was an honour in itself, and the honour grew the more selflessly one served the king. On the subject of the *skutilsveinn* (waiter) service the text said: "No service in all the king's hird is more honourable and splendid than this for anyone who tends it with honour and looks after it with consideration."¹⁶²

Hirðskrá differed from *Konungs skuggsiá*, however, in its attitude to the hird's private origin. Whereas *Konungs skuggsiá* insisted that all the members of the hird were "housecarles", and that "hirdman" was merely an additional name, *Hirðskrá* drew the consequences of the disparaging associations of the title housecarle and removed it from the hird. Instead it used the title of hirdman as a common designation for

¹⁵⁸ "æigi er þat nafn firi litannde. sva sëm svivirðingar nafn at heita huskarlar konongs hællðr er þat mykit sëmðar nafn hværium er þat nafn fær" (*KS* 43). This is the only time in the work when the Father openly accuses the Son of being foolish. The desire to improve was nevertheless stronger than the urge to condemn: "it is better to ask than to remain ignorant" (*KS* 42).

¹⁵⁹ *KS* 42–43, cf. the preceding section, pp. 86–93, on reciprocity.

¹⁶⁰ "heilagrar kirkju lýðni oc hennar formanna vera lýsing oc leiðtogar til allra logligra rettynda oc miskunsamligra siðsemða" (*ML* i, cf. *Bl* i, *ƒ* 8, *ƒ* 40, *Sc* 229).

¹⁶¹ Cf. note 55–56 on p. 67 about the king as God's *þjónn*.

¹⁶² "engi er oc sæmeleghre ne fægri þionosta i allra konongs hirð en su. þæim sem hana vilia með sëmð røkia. oc með skynsæmð við læita" (*H* 24). See also *H* 18, 24, 26, 29, 51.

members of the hird,¹⁶³ subsequently supplemented with foreign titles of nobility.¹⁶⁴ In this way the associations with the private, potentially degrading aspect of royal service were reduced. In addition, *þjónusta* was increasingly reserved for service under the king or God. In the provincial laws the term *þjónn* was used exclusively of private servants, probably because it was perceived as demeaning.¹⁶⁵ In the laws and amendments of the 1270s, on the other hand, *þjónn* and *þjónustumaðr* were almost only used in connection with the king's and the bishop's service under God.¹⁶⁶

The contemporary sagas

In the contemporary sagas it is hard to find any traces of a negative view of royal service. In almost every case in the kings' sagas the references to royal servants are to men of high status. The terms are mostly used as a general designation for the hird or parts of it,¹⁶⁷ and occasionally to refer to named hirdmen.¹⁶⁸ In six cases, however, it is likely that the royal servants referred to had low status. This is evident, firstly, from the fact that they had lowly tasks in the household such as waiting at table,¹⁶⁹ providing care in sickness or childbirth,¹⁷⁰ or unspecified household duties.¹⁷¹ Secondly, they are called *þjónustumenn* (and one *þjónustukona*), and not by the terms *þjónusta* or *þjóna*. This agrees with the fact that the nouns *þjónn* and *þjónustumaðr* in the provincial laws were most closely connected to servile status.¹⁷² This pattern is broken twice, however, when *þjónustumaðr* is used of men of high rank. Yet on both

¹⁶³ *H* 27.

¹⁶⁴ *ML* II 10, *H* 8 in AM 304 fol.

¹⁶⁵ *E I* 28, *E I* 45, *G* 198, *F XI* 21.

¹⁶⁶ *ML* II 2 (variant in *ML* d 157), *ML* III 1 (*Bl* III 1), *H* 1, 2, *Rc* 46 (1302), see also on the pope: *Ra* 457, 1248. The term *þjónustumaðr* referred, with one exception, to royal service (*H* 20, *H* 24, *Rc* 147) or clerical service (*J* 8, *Ra* 446, *Rb* 473, *Sc* 233). The exception referring to private service is in *Bl* VI 7.

¹⁶⁷ *Svs* 8 (2), 9 (2), 10, 11 (2), 147, *Bs* 26, *HsH* 5 (2), 10, 12, 15, 48, 85, 95, 103, 134, 139 (5), 229, 292. Occasionally it is uncertain whether royal service refers to hirdmen, but it is most likely that this is the case (*Svs* 3, 39, 43, 84, 96, 99 (3), *HsH* 12).

¹⁶⁸ *Svs* 153, *HsH* 1, 7, 20, 34, 177, 231, 309. Also in *Sks*: *Gg* 2, *Psk* 4, *Stþ* 2.

¹⁶⁹ *HsH* 309, *Stþ* 2.

¹⁷⁰ *Svs* 1, *HsH* 330.

¹⁷¹ *Bs* 4. In *Flateyjarbók* this group of servants is placed lowest in the hird along with the waiters (*skutilsveinar*), which must be a mistake for the candlebearers (*kertisveinar*) as in *Codex Frisianus* ("they should give each hirdman one mark of burnt silver, and the guests, the waiters [i.e. candle bearers] and his other servants should have half a mark each" *HsH* 329).

¹⁷² Cf. note 165.

occasions there seem to be special reasons for the use of this term, since both involved breaches of norms which the saga may have wished to underline through the use of term *þjónustumaðr*.¹⁷³

Jón Viðar Sigurðsson has pointed out that developments in the service of Icelandic chieftains in first half of the thirteenth century resemble the development of royal service in Norway in the same period.¹⁷⁴ This is also clear from the status of the service, if one compares *Sturlunga saga* with the Norwegian contemporary kings' sagas. Firstly, serving a chieftain often signalled high status, no doubt because peasants genuinely desired to serve chieftains.¹⁷⁵ Secondly, a distinction was made between "public" and "private" service, with the former normally bringing higher status than the latter.¹⁷⁶ These tendencies, however, were less clear in Iceland than in Norway. Serving a chieftain was consistently associated with lower status than serving a king,¹⁷⁷ and the difference between high-status *þjónusta* and low-ranking *þjónustumenn* in the kings' sagas does not apply in *Sturlunga saga*.¹⁷⁸ The dividing line between what was outside and what was inside the household was also blurred.¹⁷⁹ Even

¹⁷³ In one case the duke, termed a *þjónustumaðr*, killed his lord the emperor (*HS* 1). In the other case Duke Skule killed two men who are described as *þjónustumenn* for both him and King Hákon (*HS* 202).

¹⁷⁴ Jón Viðar Sigurðsson 1993, pp. 86–89.

¹⁷⁵ In 1243 the peasants in the Northern Quarter declared that they would not serve any other chieftain but Kolbeinn ungi, and just under fifteen years later they insisted that it was only Þorgils skarði they wished to serve (*Bk* 22, *Psk* 73). The peasants in the area controlled by Gizurr Þorvaldsson, who was absent, were unwilling to serve anyone but Gizurr in 1247, preferring to pay fines rather than switch to the service of some other chieftain (*Bk* 48).

¹⁷⁶ When the peasants from an area were eager to serve specific chieftains, the resulting service relationship was of a public character (cf. the previous note). On the other hand, there were cases where service had a distinct touch of occurring within the household, with the servant being of low status. This is most evident from cases where they were beaten (*Ísl* 79, *Psk* 2). Corporal punishment was originally something that only unfree people could suffer (Iversen 1997, pp. 62–63). In the other cases the internal household tasks testify to the subordinate status (*Geirm* 4, *Ísl* 36, *Psk* 1).

¹⁷⁷ The ratio of public service of high status to private service of low status in royal service is 40 to 6, while for chieftain service it is 5 to 7. High status: *Ísl* 142, *Bk* 22, 48, *Psk* 37, 73. Low status: *Geirm* 4, *Ísl* 36, 79, 125, *Psk* 1, 2, 54. The mixture of high and low status is palpable in the reluctance of the big peasant Broddi to serve any chieftain in 1255, when he said that "the best thing was to serve no one, if he could choose freely" (*Psk* 54).

¹⁷⁸ Low-status servants in *Sturlunga saga* are referred to with the words *þjónusta* (*Ísl* 36, 79) or *þjónustumaðr* (*Geirm* 4, *Psk* 1, 2, and *Ísl* 125, *Psk* 54).

¹⁷⁹ This is evident in connection with Sturla Sighvatsson's conversation with his father, when he thought that he had subdued all the rivals in the country in 1238. Sighvatr then suggested different duties in Sturla's household for the country's leading

though no clear distinction was ever formulated between the hird's old and potentially demeaning private tasks and its newer duties of a more dignified and public character in the contemporary sagas, there was in practice a difference based on functional and terminological criteria.

To the extent that the normative aspect of royal service was touched on in the contemporary sagas, it was the exalted character of the service that was emphasized. In the first place, royal service could seem attractive for affective reasons. This is particularly clear in *Sverris saga*. We have seen that hirdmen could express great love for their king, and that they could even be willing to sacrifice their lives for him.¹⁸⁰ Þorvarðr Þorgeirsson, who was a hirdman under King Inge Haraldsson, is reported in *Sturlunga saga* as saying after the king's death that he would not serve any king because "he thought that no one would be his equal".¹⁸¹ His brother Ari died as a living shield for Erling Skakke.¹⁸²

The other reason for the attractiveness of royal service was a more traditional connection, which is most prominent in *Hákonar saga Hákonarsonar*. The saga placed great emphasis on the fact that Hákon's royal dignity represented a continuation of his father's and grandfather's positions.¹⁸³ Skule Bårdsson used the same strategy to promote King Inge Bårdsson's son Guttorm in 1217,¹⁸⁴ and his own candidacy as Inge's brother.¹⁸⁵ The hereditary character of the service also meant that a newly elected king inherited his predecessor's hird.¹⁸⁶ A natural consequence of this was that a long period of duty in the king's service was reckoned as an honour in itself. When Hákon's adviser Ivar Bodde was accused by Skule's men in 1218 of betraying the king, he referred to his long service as a reason why it was impossible for him

men. The equation of governing Iceland with governing a farm indicates a blend of public and private that seems to have been natural for both of them, and the episode indicates that it was difficult to shake off the negative connotations of service. When Sturla finally understood that his father was making fun of him, he exclaimed: "I cannot expect everyone to serve me" (*Ísl* 125).

¹⁸⁰ Cf. notes 133 and 134.

¹⁸¹ "honum þótti sem engi myndi hans jafningi verða" (*Gg* 2).

¹⁸² *Gg* 2.

¹⁸³ *HsH* 5, 7, 12, 95.

¹⁸⁴ *HsH* 9.

¹⁸⁵ *HsH* 9. Bene skinnkniv referred to his alleged brother Erling Magnusson in order to be recognized as king in 1217 (*HsH* 34). *Sverris saga* and *Böglunga sögur* are not free of references like this (*Svs* 3, 9, *Bs* 26), but they play a relatively minor role in these sagas compared with *Hákonar saga Hákonarsonar*.

¹⁸⁶ *Svs* 9; *HsH* 5, 7, 12, 15, 20, 292.

to have betrayed the king.¹⁸⁷ Service was held up here as something that automatically brought honour, not requiring any further justification. Cardinal Vilhjalmm gave this ideology of royal service its pithiest expression when, in connection with the coronation of King Hákon in 1247, he described Iceland's form of government as "unseemly", as consequence of the country not having a king.¹⁸⁸

3. Conclusion: from ideal to practical subordination

The analysis of the terms *lýðni* and *þjónusta* and their Latin equivalents *obedientia* and *servitia* in the normative sources has shown that the representation of the relationship to God in the twelfth-century clerical sources was in many ways a model for and precursor of the relationship to the king, as this was portrayed in the more secularly oriented sources of the following century. The relationship to God was partly depicted as one of unconditional and obligatory obedience, and disobedience led to exclusion from Christian society. But partly the relationship to God was also one of service, which allowed for a certain degree of reciprocity in that the cult of saints brought services in return, and the high status of submission to God was emphasized.

These two modes of subordination were transferred in the thirteenth century to the relationship to the king, with certain modifications. The unilateral and obligatory obedience applied chiefly to the peasants. The greatest difference here was that the obedience demanded by the king, unlike that required by God, was not unconditional, but dependent on whether the king acted within the law. The asymmetrical and high-status relationship of service was primarily applied to the hird, where the honour of subordination was particularly underlined. The king's exercise of power was based on his behaving predictably, as the exercise of power was based on his law and justice, and not on his personal preferences. The king was in principle ever-present, since the internalization of subordination to him made his physical presence superfluous. This must be interpreted as meaning that an explicit state

¹⁸⁷ *HsH* 20. See also *HsH* 7, 90, 231 on long service.

¹⁸⁸ "hann kallade þat osannligt, at land þat þionadi eigi undir einnhuern kong sem oll onnr j veröldunne" (*HsH* 257). The accusation was reinforced by the fact that the Old Norse word that was used—*osannligt*—can mean both "unseemly" and "untrue". In *Gamli sáttmáli* the Icelanders promised the kong *þjónusta*, but not *lýðni*.

ideology had become established. A king who could demand the peasants' obedience and the hird's service was equipped to lead a society in quite a different way from a king who based his lordship on friendship with others. The king was well on the way to becoming a God within his own realm.

The sources, however, indicate that this ideological change was far from being a societal reality. We have seen that the aspect of obedience and the high-status aspect of service, and partly also the unilateral character of both kinds of subordination, were considered in great depth in the normative sources. The reason for this was probably that this subordination was regarded as controversial by contemporaries. There are limits to what an analysis of the terms *lýðni* and *þjónusta* can say about this, because they were relatively rarely used, and the contexts in which they were used often had an ideological charge. Before I devote the next part to a more detailed investigation of subordination in practice, based on terms for loyalty, I shall close this part by examining what the use of the terms *lýðni* and *þjónusta* can indicate about the controversial quality of the new type of subordination. I shall begin with the peasants' relationship of obedience to the king, and continue with the hird's relationship of service.

A more contextual relationship between king and peasants

The Speech and *Konungs skuggsiá* give occasional insight into a world in which the relationship between peasants and king was far from being perceived as so unilateral and obligatory as these works prescribed in general terms. Sverre Bagge has claimed that the statement in *Konungs skuggsiá* that the king owned the land and its people is isolated in the work, and seems more like an *ad hoc* argument than part of a well-considered theory.¹⁸⁹ More typical of the peasants' relationship to the king in the work is their reluctance to submit to the king,¹⁹⁰ and the

¹⁸⁹ Bagge 1987, p. 39. Bagge believes that the legitimization of the king as ruling by the grace of God is predominant in the work, while his demand for loyalty had only a supplementary function (Bagge 1987, pp. 22–39).

¹⁹⁰ The section on the image of dearth describes the misfortune that a people suffer at the death of their king: "peasants and common people become self-willed and disobedient and care little about breaking the law", against the background that "the ignorant mob think that the king is their opponent" (*KS* 54).

king's inability to force them to submission.¹⁹¹ At the end of *The Speech* the author appeals directly to the peasants, and this is the first time *lýðni* is mentioned without being related to the duty to obey the clergy: "you must think this over seriously and use your wits when it comes to the maintenance of churches or obedience to the king and wrongful excommunication."¹⁹² Here obedience to the king was not represented as unilateral or obligatory, but as something the peasants themselves had to take a stance on. These hints are probably much closer to the contemporary realities than the king's demand for absolute obedience was. However, they had no place in the explicit royal ideology of the works.

In the laws it was particularly the obligatory aspect of the king's demand for obedience that was emphasized. The change from election of kings at the *alþingi* to the stipulation in the succession law of 1163 that the king was to be chosen by the bishops and twelve men from each diocese has often been interpreted as a sign of a weakening in the peasants' influence. Sverre was the first king, according to the sagas, who practised the new form of representation in 1177.¹⁹³ Ólafía Einarisdóttir believes that Sverre did this deliberately out of a desire to comply with the succession law.¹⁹⁴ I doubt this. Since the national law, as we have seen, used so much room to specify the representational principle of the peasants' oath, in my view it must be interpreted as a sign of how difficult it was to introduce and gain support for a principle like this.¹⁹⁵ A fully implemented principle of representation corresponds to an absolute lordship in which the ruler has general support. This type of control was not only beyond the king's scope in purely practical terms, but must also have been something the king would not have been interested in obtaining. In practice the king's lordship was probably based more on contextual and pragmatic criteria than on absolute criteria. By this I mean that the crucial thing was not to ensure general support, but sufficient backing from an area.

This kind of support had both a quantitative and a qualitative aspect. It was important to have the most, but also the best, on one's side. The

¹⁹¹ More than the use of force *Konungs skuggsiá* used good example as an instrument against the reluctance of the peasants (*KS* 2, cf. Bagge 1987, p. 38).

¹⁹² "ýdr þa hugleíði menn mædr godre skilníngh huartuæggia vm kirkíu vphalld ædr lýdni vídr konong sín ædr vm rangflutt bann" (*Talen* 20).

¹⁹³ *Sús* 16.

¹⁹⁴ Ólafía Einarisdóttir, "Sverrir—præst og kong", *NHU* IV, pp. 130–31.

¹⁹⁵ See the obligatory aspect of the relationship of obedience, pp. 79–85.

principle that “maior et sanior pars” should support a legal decision was enshrined in Magnus Erlingsson’s law of succession and later in the national law.¹⁹⁶ There has been much discussion as to which of the elements was of greatest importance. While Johan Schreiner and Arne Odd Johnsen would ascribe the decisive authority to the bishops, Jens Arup Seip believed that the appointed representatives counted for more.¹⁹⁷ I think that the opposition between the support of the best and the most is in large measure illusory. Neither of the two principles—the support of the majority and the support of the best men—could fully prevail without the other, and neither of them had to be completely fulfilled.

On the one hand the king needed the broadest possible support, and consequently summoned as many men as possible—in principle “everyone”—to the *þing*. Yet this does not mean that he literally needed the support of “everyone”, as the support of the majority was sufficient. This is indirectly evident from the passage in the national law stating that the peasants’ oath had to be taken by “as many men from each *fylke* as he [the king] wishes”.¹⁹⁸

On the other hand, it was the support of “the best” that was most important, and in that sense the assemblies were representational. “The best” nevertheless did not act as representatives of the people in a technical sense, as indicated by the study of how Kolbeinn came to power in Vestfirðir. It was their local power and influence that was crucial.

This means that the “uncertainty” to which Per Sveaas Andersen draws attention in the relationship between general assembly and representational assembly disappears.¹⁹⁹ In more general terms, it illustrates Kåre Lunden’s point about how tricky it is to arrive at binding decisions that concern many people in a decentralized society.²⁰⁰ Judicially speaking, there is no doubt that *konungstekja* specifically and the assemblies in general must be perceived as formal institutions. But when it comes to practice, it turns out that these institutions cannot be treated in isolation

¹⁹⁶ G 2, *ML* II 6.

¹⁹⁷ Johan Schreiner, “Stridsspørsmål i norsk middelalderhistorie”, *HT* 32 1940; Arne Odd Johnsen, *Studier vedrørende Nicolaus Brekespears legasjon til Norden*, Oslo 1945; Jens Arup Seip, “Legitimitet: De 12 gode menn i tronfølgeoven 1163”, *Problemer og metode...*, Oslo 1983, pp. 89–91.

¹⁹⁸ “sua margir menn or fylki hueriu sem konungr uil” (*ML* II 12).

¹⁹⁹ Cf. Andersen, “Ting, Norge” *KLNM*, col. 351.

²⁰⁰ Kåre Lunden, *Europa i krise 1300–1500*, Oslo 1984, pp. 49–58.

from the concrete power relations in which they were activated.²⁰¹ This was evident at the start of an assembly, in that the number of peasants attending varied depending on how strong the king was at the time. A king's power could be measured in terms of the number of men who gathered when he summoned them to assemblies.²⁰² Power relations were also clearly demonstrated at the end of an assembly. The accomplished *konungstekja* was not a sufficient condition for the peasants to show obedience to the king, since it happened several times that kings encountered resistance from the same peasants who had elected him king a short time before.²⁰³ Nor did the kings consider that being elected was a sufficient guarantee that their royal dignity was assured. The sagas confirm that the Øyrating in Trøndelag was the most important acclamation assembly,²⁰⁴ but it was common that candidates for the throne were elected by at least one other assembly.²⁰⁵ This was scarcely determined by any formal rule, but on the basis of power relations. Otherwise it would be hard to explain why Inge Magnusson allowed himself to be elected king at the assembly in Sogn in 1201, four years *after* he had been elected king at the Øyrating.²⁰⁶

Finally, the actual assemblies can be seen as evidence for this contextual lordship. Grethe Authén Blom has contrasted the universal claims of the national law with the specific character of the amendments.²⁰⁷ The king's amendments granted to the peasants in limited areas at the end of the thirteenth century can be regarded as a result of meetings

²⁰¹ One of the main points among anthropologically inspired scholars has been that laws and judicial institutions in the Middle Ages must be viewed in connection with how conflicts were resolved in practice (cf. Brown and Górecki 2003, pp. 1–10).

²⁰² *Heimskringla* tells about this in the contrast between the attendance for Valdemar and Erling Skakke (*ME* 27–28), and between the attendance for Svein Alfivason and Magnus Olavsson (*MG* 3–4). Poor attendance at the assembly was not something that only Danish kings struggled against. *Bjǫlunga sögur* says that not many came when Erling Magnusson summoned people to Øyrating (*Bs* 16).

²⁰³ *Svs* 16, 108, 142, 178, *HsH* 145.

²⁰⁴ It is particularly clear that Sverre, Jon Kuvlung, and Inge Magnusson all tried to be accepted as king there, even though it meant that they were virtually chased away by the peasants (cf. the previous note). Cf. also *Svs* 138: “no one is properly elected king in Norway unless it has taken place at Øyrating in Trondheim.”

²⁰⁵ This applies to Sverre (*Svs* 11, 16), Jon Kuvlung (101, 108), Sigurd Magnusson (119, 119), Inge Magnusson (132, 142, 178), Inge Bårdsson (*Bs* 12, 16), Erling Magnusson (*Bs* 9, 16), Filippus Simonsson (*Bs* 26, 33), Håkon Håkonsson (*HsH* 17, 23–24), Håkon Unge (223, 225), and Skule Bårdsson (199, 220).

²⁰⁶ *Svs* 142, 178.

²⁰⁷ Blom 1967, pp. 6–7.

between the parties, and they show that this relationship still had strong reciprocal and personal elements. For the king did not aim for uniformity in his assessment of how to handle the peasants; his reaction was to a large extent adapted to the concrete situation in which it took place, as he rewarded those who had shown obedience to him, and sharpened his tone towards disobedient groups.²⁰⁸ The amendments also show that the relationship between the king and the peasants was more personal than indicated by the national law, because in these amendments the peasants' relationship to him is described as one of service almost as often as one of obedience.²⁰⁹ In the relationship of obedience in the national law, the king seemed untouchable and far removed from his subjects. The relationship of service in the amendments, on the other hand, shows a king who was willing to listen and to consider the well-being of his subjects. As Jón Viðar Sigurðsson has pointed out, the fact that the national law was known does not mean that "the law was used in resolving conflicts".²¹⁰

With the amendments and the contemporary sagas we have taken the first step from ideal to reality, and from a predominantly absolute to a more contextual relationship between king and peasants. The sources indicate that the peasants' largely impersonal and obligatory obedience to the king in the national law was not sufficient as a bond between king and peasants in practice. The peasants seem to have perceived their subordination to the king as being more personal, voluntary, and reciprocal than the national law dictated. The conditions for the existence of this kind of subordination and for the content of the subordination were not given once and for all, but were subject to negotiation. It was precisely situations of this kind that were related in the sagas, since they involved drama, the outcome of which was the amendments. It is situations of this kind that I shall analyse in detail in the next chapter, which concerns the practical relationship between king and peasants.

²⁰⁸ Cf. pp. 75–76. See also *Rc* 24, 112, 113, 132.

²⁰⁹ Cf. table 2.2 p. 70. While *ljóðni* is used in the amendments granted to the peasants in Hedmark-Toten and Ringerike-Hadeland (*Rc* 23, 27–28), *ljónusta* is used about the same relationship to the peasants in Sandsverv (*Rc* 70).

²¹⁰ Jón Viðar Sigurðsson 1999, p. 152.

Degrading royal service?

The king's relationship to the hird, unlike his relationship to the peasants, had a personal foundation. In addition, it was not unilaterally obligatory, as subordination based on *lýðni* was. There was a tension, however, between the asymmetry of the relationship and the honour it rendered, and this tension must be considered against the background of the origin of the relationship in private service. While the asymmetry was an advantage from the king's point of view, because it avoided the equality entailed by friendship, the low status associated with private service was a drawback that could make royal service less attractive.

Konungs skuggsiá, as we have seen, tried to assert the exalted character of royal service, while the work simultaneously underlined the connection and community of high and low in the hird through the title of housecarle.²¹¹ *Hirðskrá* departed from this joint designation and allowed low-ranking housecarles to be distinguished from the higher-ranking royal officials, and the latter were consequently freed from negative associations. *Hákonar saga Hákonarsonar* represents the last stage before this distinction was made in the laws. As regards terminology and function, the saga testifies that a difference between hirdmen and low-status servants was, in principle, established.²¹² The hird had now risen so much in status that some of its original tasks in the household were perceived as demeaning, at least in anything other than a purely ceremonial sense. However, the link to these tasks had not been completely broken, in that both high-ranking hirdmen and low-status servants were tied to the king with the same bond—the bond of service.

We saw above that sagas like *Egils saga* and *Heimskringla* stated explicitly that royal service was not as exalted as the king would have liked it to appear. Even though there are few traces of this view in the contemporary sagas, this does not mean that the view had been eradicated. The contemporary kings' sagas, unlike the historical ones, were commissioned by kings, and we must assume that they were premised upon the elevated character of royal service. We therefore cannot expect to find many traces of a negative view of royal service in them.

The most characteristic expression in the contemporary sagas of the view of subordination as degrading came when Skule Bårdsson was confronted with King Håkon's demand for *lýðni* at a meeting in Bergen

²¹¹ Cf. pp. 95–96.

²¹² Cf. pp 96–98.

in 1233.²¹³ Skule refused to show *lýðni* to the king, but acknowledged his duty to serve him. As a political rival to the king he was not representative either for how clients viewed subordination or for how the king handled such relationships. Nor was the demand for *lýðni* typical, since *þjónusta*, which Skule accepted in this case, was the usual term in the context of the hird. The example nevertheless attests to the fact that subordination under the king *could* be a sensitive subject, which had to be handled with care. And indeed, the king tried to appease Skule with the title of duke, with extravagant declarations about the great honour this rendered him.²¹⁴

A less flattering view of royal service, however, is occasionally revealed unintentionally in the contemporary sagas, as in King Sverre's speech against drunkenness, dividing the population into different groups. Soldiers, merchants, and peasants came first, and at the end "those who are lesser, [who] ought to be grateful and serve their superiors with good will and to the best of their ability".²¹⁵ Those who served were thus not only placed at the bottom of the social ladder, but they were also the only ones in a state of social dependence on others. This passage is fairly revealing since there is reason to believe that the author here conveyed his outlook on service inadvertently.

A similar "slip of the pen" in the outlook on service comes across in *Konungs skuggsiá*. Typically, this took place when the author left the religious sphere. The work introduced the kings as "even greater men than those who have to serve under those who are mighty."²¹⁶ From a secular point of view, what distinguished the king from others was that he did not serve anyone. The sources, with their focus on the exalted aspect of royal service, tacitly presupposed that royal service was not always perceived as being so honourable.

The fact that *lýðni* and *þjónusta* were such ideologically charged terms for the authors of both the kings' sagas and the normative sources makes it difficult to use an analysis of these terms as an approach in order to ascertain how the king exercised power in practice. In the rest

²¹³ *HsH* 177. See more about this episode in the chapter about the king and the magnates.

²¹⁴ *HsH* 190.

²¹⁵ "hinir er minni ero sculo vera þacclatir oc þiona hvern sinum yfir-manni með goðum villa oc eptir sinum efnum" (*Svs* 104).

²¹⁶ "stærri menn hældr en þa er þiona skolu under þeim er rikir ero" (*Ks* 72 (142)).

of this study I shall try to get beyond the more ideologically coloured presentation of the king's relationship to the hird and the peasants within which the above investigation of the relationship of obedience and service has operated. To do so I shall examine terms and fields which occupy a less central position in the royal ideology. This will be done through an analysis of how subordination under the king was perceived in situations where disagreement arose about what constituted allegiance to the king. Such situations characterized by conflict or clashes of interest, quite different from the ceremonial situations in which *lýðni* and *þjónusta* occurred, can shed a very different light on the character of the king's practical exercise of power, because they show that there were differing opinions about this, and because they indicate how the actors expressed their opinions in their actions.

PART TWO

PRACTICAL SUBORDINATION: LOYALTY



Illustration, previous page: Christ dividing power on earth between king and archbishop, from the Norwegian national law, Codex Hardenbergianus, c. 1325–50. Det Kongelige bibliotek i København.

INTRODUCTION

In the previous part I showed that the ideal image in the normative sources of subordination to the king was quite close to an absolute form of loyalty. The peasants' obedience to the king was supposed to be unilateral and obligatory. It implied a subordination that was constant, independent of time and place. The hird's relationship of service to the king was voluntary, but the combination of asymmetry and high status nevertheless indicates a strong absolute element in the submission. This corresponds to a royal exercise of power that was, first of all, predictable in that it was based on clearly defined rules which had to be applied consistently. Secondly, the differences between subordination in the king's presence and in his absence were in principle abolished through the internalization of submission.

When we take the step from ideology to practice, there is no reason to assume that subordination to the king was so absolute, and the king's exercise of power so predictable and independent of the king's presence. The rest of this study is devoted to an analysis of the practical exercise of power and subordination. Here I shall leave the terms for obedience and service, and instead use terms for loyalty as a starting point for the study. The terms will be presented in detail in the last part of this introduction. The ideal subordination from the previous part will serve as a background for the reconstruction of what I have chosen to call the ideological perspective in this part. However, it is what I call the practical perspective that will be most central and require most space. Here I expect to find a more contextual perception of loyalty, and a royal exercise of power based more on unpredictability and presence than what followed from ideal subordination and the ideological perspective. It is the conceptual pair of absolute and contextual loyalty that will be used throughout this part (for the concepts, see the introduction, pp. 5–10). The implications for the king's exercise of power will be systematically treated in the conclusion.

Physical and social distance to the king

In the previous part about ideal subordination I divided the population into the hird and the peasants. This is in accordance with the laws of the period, as the national law applied to the peasants and the hird law to the hird. The disadvantage of this division is that it is based more on ideal than on real premises. To be specific, it presupposes that all the groups recognized and submitted to the king. This was probably well on the way to being realized when the laws were written down in the 1270s, but not for the period before 1240, when there were a number of conflicts over who should be king. Such conflicts filled most of the period covered by *Sverris saga* and *Böglunga sögur*, and the first part of *Hákonar saga Hákonarsonar*. The king's opponents had no place in the legal categorization of the population.

The most important thing in this context, however, is that the question of subordination to the king is not so much related to open resistance to kings as to the extent to which the king was acknowledged by all those who lived within what was defined as his kingdom, and what such an acknowledgement may have entailed. The lack of open opposition does not mean that the king's demands were fulfilled. A major point of this study is in fact to attempt to specify what the king's authority meant, by analysing how people acted in relation to the king.

What looks like a rational and adequate social categorization from a legal point of view can thus be shown to ignore important segments of the population when it comes to the level of practical action. This study aims to capture this practical dimension, and it will therefore start with a division of the population based on practical and not legal criteria. This does not mean that institutional ties lacked significance, but that the relationship between the king and other groups will be studied in terms of their concrete actions.

I will introduce two variables in order to assess the extent to which loyalty to the king was an absolute or a contextual norm: the actor's physical and social distance to the king. Physical distance is connected to centre and periphery. Generally speaking, one can expect to find more absolute loyalty the shorter the physical distance to the king is. Those who were geographically close to the king may be assumed to have had a more constant relationship of loyalty to him than those who rarely met him. Social distance may be expected to display the opposite tendency, with increasing distance corresponding to more absolute loyalty. The greater the social difference between the king and another person, the greater is the likelihood that that person will display absolute loyalty

to the king, as a consequence of the proportionately larger difference in power between the two.¹

The variables physical and social distance are the starting point for an alternative classification of the groups to which the king related. This gives the following groups:

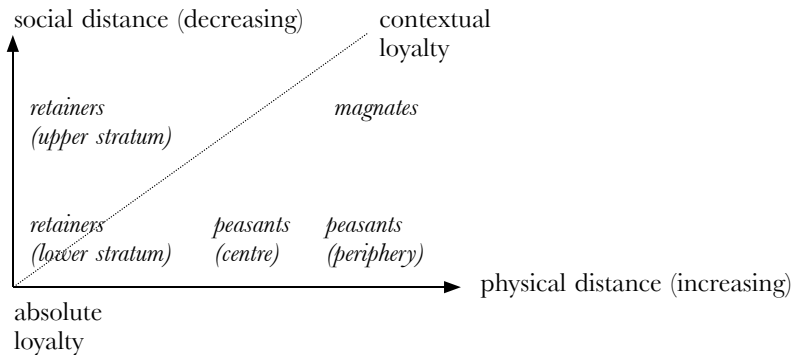
The upper stratum of the king's retainers (those who shared his table): small social distance and small physical distance to the king

The lower stratum of the king's retainers: large social distance and small physical distance to the king

Magnates who did not normally attend the king (not sharing his table): small social distance and varying physical distance to the king (depending on whether they lived in the centre or the periphery)

Peasants: large social distance and varying physical distance to the king (depending on whether they lived in the centre or the periphery)

The two variables physical and social distance to the king can be drawn in a coordinate system to illustrate how these four groups are placed between the two extremes of absolute loyalty (large social and small physical distance to the king) and contextual loyalty (small social and large physical distance to the king).



Figure

¹ Here, however, a difference will arise once a state apparatus is established. When the king is recognized as a source of status (through hird representation), and consequently has ceased to be a rival of the magnates, a short social distance will not necessarily correspond to contextual loyalty, because the magnates then see it in their interest to maintain the social order headed by the king. This means that the king is securely established in the kingdom, and that loyalty has ceased to co-vary with physical distance, in other words, that an absolute perception of loyalty has been established. I would nevertheless adhere to this division because it is not intended as a final answer but as a starting point for the analysis.

An initial assumption is that the king's retainers will be closest to the absolute end of the loyalty scale, and the magnates closest to the contextual end, with the peasants somewhere in between. I would emphasize, however, that this classification is an ideal type, not intended to function as a key in the following analysis, but only as a point of departure to distinguish different population groups from each other. In practice there will be greater individual differences within the individual groups, and relationships will moreover vary in both time and place.

Retainers of high and low rank are grouped together in the analysis, because it is difficult to distinguish them, as they largely appear in the same situations. This gives three groups in the study: retainers, magnates, and peasants. In the following I will define the three groups more precisely as ideal types. They will be described in more concrete terms in the following chapters, where they will be treated separately.

The king's retainers are defined by spending most of their time in the king's presence. This group comes close to being synonymous with the hird who share the king's table; despite significant internal social differences they have the physical proximity to the king in common. However, the group can also comprise peasants when summoned to naval service (*leidangr*) on longer expeditions, because they then, like the hird, accompany the king for a protracted period, and because the source situation often makes it difficult to make a sharp distinction between the two groups on expeditions. To the extent that this is possible, however, a distinction will be made. Since the king is largely present in relation to this group, conflicts with the king take on the character of a tug-of-war between the parties rather than open confrontations.

The peasants had a greater physical distance to the king than the retainers had, because they did not follow him on an everyday basis. One can make a distinction, however, between peasants living in a king's centre (small physical distance) and those living on the periphery (large physical distance). What is centre and periphery in a king's realm varies depending on where the king spends most time; that will be examined as the analysis proceeds. The peasants' social distance to the king is considerable, but it varies in that the group in principle comprises everything from powerful local freeholders to poor tenant peasants. It is difficult to penetrate such differences, though, because the kings' sagas rarely provide detailed information about the peasants. What characterizes the peasants in the sagas is that they are mostly mentioned as a collective. Men who act individually will be classified

as magnates, with the exception of a few situations where it is clear that they acted as spokesmen for local peasants.

Magnates, like the peasants, did not normally accompany the king. They thus share with the peasants a considerable physical distance to the king, although here too one must distinguish between central and peripheral areas. It is among these two groups that the king's presence is atypical, and consequently the king's authority here can be expected to have been most vulnerable. Yet it must be assumed that magnates were in a better position to mobilize efficiently against the king than the peasants were, as a consequence of their higher social status and greater local power. Their social status is marked by the way they behave individually towards the king. The social distance to the king varies considerably within this group, however, which is possibly the most heterogeneous of the three. It comprises leading hirdmen who did not share the king's table, local magnates not connected to the king's hird, and prominent members of oppositional factions. It thus includes everything from the king's local supporters to his local opponents, and from powerful peasants to earls and kings of the tributary lands in the west.

If I have chosen to place such a heterogeneous collection in one group, it is not because I believe that they had an identical relationship to the king, but because they probably faced rather the same dilemma in their relations to the king: how to manoeuvre at the intersection between a significant local power base and a king who was virtually absent, but would be superior in force if he moved against them? This does not mean that I ignore the king's legitimacy and institutional framework, and changes to this in the course of the period, but that the focus is on the kind of subordination the kings received in action. This means that formal membership of the hird or formal opposition to the king are not sufficient conditions for determining whether the king had authority or not. The question is to what extent the king's physical absence was balanced by a mental presence, in other words whether his presence was internalized. In a state, subordination to the king will in principle be independent of physical and social distance to the king.² Even if subordination in practice will never be totally independent of

² This corresponds to Weber's definition of authority, in which the ruler has his will accepted, not just in situations where he has superior power but also in situations where he is absent (Weber 1978, p. 215, cf. the Introduction, p. 8).

physical and social distance to the ruler, not even in modern states, it is still interesting and relevant to investigate this in the Middle Ages, as long as we are constantly aware that what we are studying is the development along a continuum between ideal types.

The classification that I use here as a basis for the analysis of the king's relationship to different social groups implies that the categories are rather broad. This applies to the status aspect, in that men of such different social status as powerful peasants and earls are placed in the category "magnates", while "retainers" includes everything from hird leaders to housecarles. It also applies to the degree of support that the king can expect within the separate categories, in that "magnates" includes everything from the king's representatives to his opponents, and "peasants" comprises both peasants in a king's centre and those in enemy territory. The classification also means that the categories partly overlap. One man can act as a "retainer" when he accompanies the king on an expedition, while he can be called a "magnate" when he encounters the king individually, and a "peasant" if he is just one of many who meet the king.

The broad and overlapping categories are not much of a problem for my analysis, however, because the focus here is on practical actions and not formal affiliation. This is an analysis of a social norm, not a legal norm, and it is therefore an advantage that the classification has a broader and more flexible scope than legally defined categories. Moreover, such broad categories prevent the analysis from being unnecessarily fragmented. In addition, formal affiliation is not ignored; on the contrary, it is something that this study is intended to problematize.

Change and continuity

In the analysis of what was perceived as loyalty to the king, the contemporary kings' sagas will, as a point of departure, be treated as a unit. This does not mean that continuity is set up as a premise for the study, but that what I want to focus on most is the shared features in the conflicts and their solution. Changes in the period will be considered in cases where they are relevant, and will be assessed more systematically in the concluding chapter.

There is an obvious difference, however, between *Sverris saga* and *Hákonar saga Hákonarsonar* which I want to discuss in this context as a point of principle. *Sverris saga* describes far more conflicts than *Hákonar*

saga Hákonarsonar, and Sverre is generally portrayed as a king who had greater problems asserting his authority than Hákon had. This difference undoubtedly reflects a historical reality. For most of his reign, Sverre had to deal with rival factions who had their own kings, while Hákon only experienced this to varying extents in the first part of his reign, up to 1240;³ in the years from 1240 to 1263 there is no mention of any direct rivals to the king. There is no doubt that this reflects a significant change in society. A king without rivals has a far better chance of ruling efficiently than a king who has to battle for mastery against others who see themselves as equally legitimate rulers.

When I nevertheless hold on to the continuity perspective on the period, it is for two reasons. First, it is clear that the difference between the description of conflicts in *Sverris saga* and those in *Hákonar saga Hákonarsonar* cannot just be viewed against the background of real historical events, but must also be seen in the light of what the respective saga writers were concerned with. One of the main points in Sverre Bagge's book *From Gang Leader to the Lord's Anointed* is that the most important thing in *Sverris saga* was to highlight Sverre's ingenuity, whereas in *Hákonar saga Hákonarsonar* the crucial consideration was Hákon's right to be king.⁴ This had decisive consequences for how resistance to the king was assessed. Whereas opposition was a measure of Sverre's cunning in *Sverris saga*, in *Hákonar saga Hákonarsonar* it was taken as a sign of Hákon's lacking legitimacy. For Karl Jónsson it was therefore a matter of exaggerating the resistance encountered by Sverre, while the opposite was the case for Sturla Þórðarson. This means that the reduction in conflicts from *Sverris saga* to *Hákonar saga Hákonarsonar* cannot automatically be interpreted as an indication of a corresponding decline in the real number of conflicts from Sverre's to Hákon's time; this must also be interpreted in the light of the authors' differing intentions.

Secondly, the central point in this study is not the frequency of conflicts or who the rival parties were, but the structure and dynamic of the conflicts.⁵ The fact that *Hákonar saga Hákonarsonar* describes fewer

³ It used to be common to set the close of the civil war period at the election of Hákon as king in 1217. In recent accounts, however, this period is extended to 1240, because the situation up until then was not conclusively settled in Hákon Hákonsson's favour (see, for example, Bagge 1986 and Ole Moseng et al., *Norsk historie I: 750–1537*, Oslo 1999).

⁴ Bagge 1996, pp. 32–33, 47–48, 80–85 on *Sverris saga* (the David and Goliath motif); pp. 101–2, 147–5 on *Hákonar saga Hákonarsonar*.

⁵ Cf. the section on method in the Introduction.

conflicts and rivalries for the throne than *Sverris saga* will thus not be interpreted in itself as a decisive change in the pattern of conflict. There is no doubt that the question of the representativeness of the conflicts in *Hákonar saga Hákonarsonar* is more difficult to determine, especially in the period after 1240, when few conflicts are reported. However, this is not a problem specific to *Hákonar saga Hákonarsonar*, but one which to a greater or lesser extent applies to anyone who wishes to use kings' sagas as historical sources. The saga material is so meagre for most purposes that it is hard to arrive at tenable conclusions from a purely quantitative approach. The issue of representativeness will not occupy a central position in this study either, since I am less concerned with the real occurrence of conflicts than with their structure. Conclusions about conflict patterns will be primarily based on a detailed qualitative analysis of the narrated conflicts.

Before I embark on the concrete analysis I shall survey the meaning and frequency of the different terms for loyalty in the contemporary sagas, since they serve as a point of departure for the study.

The terms for loyalty

The most common terms for loyalty in the sagas are variants of the word *trú*, followed by *traustr* and *tryggr*, while *holli*, *öruggr*, and *einardr* are less frequently used. Among terms denoting breach of loyalty I shall consider *svik*, *vél*, *fals*, *flæð*, *landráð*, and *níðingsverk*. Some other terms will be introduced as the study proceeds.

The terms *trú*, *traustr*, and *tryggr* can be traced back etymologically to the Indo-European root **dreu-*, which means 'strong, firm, reliable'.⁶ The different meanings of *trú* go back to two basic forms, *trú* and *trúa*, the former connected to loyalty, the latter to truth.⁷ In Old Norse, as in the modern Germanic languages, these two basic meanings are mixed. In addition, *trú* can be used of religious faith and confidence or trust.⁸ The most common forms of *trú* in the contemporary sagas are

⁶ Ásgeir Blöndal Magnússon, *Íslensk orðsifjabók*, Reykjavík 1989 [*Orðsifjabók*], s.v. *trú*. The asterisk (*) means that a form is reconstructed.

⁷ *Orðsifjabók*, s.v. *trú* and *trúa*. According to Helge Ljungberg, *trúa* in the abstract sense 'believe in' was originally peripheral in Old Norse culture, but it became central with Christianity (Ljungberg 1947).

⁸ *Ordbog*, s.v. *trú*, *trúnaðr*, *trúr*, and other variants.

the noun *trúnaðr* and the verb *trúa*, while the noun *trú* and the adjective *trúr* are rarely used.

The nouns *traust* and *trygð* are related to Middle High German *trôst* and *triuwa*.⁹ D. H. Green claims in *The Carolingian Lord* that both terms originally had a concrete meaning which was gradually replaced by an abstract meaning.¹⁰ While the concrete meaning of *traust* was mainly used about the patron in a relationship ('protection, help'), the abstract meaning was chiefly used of the client ('trust, confidence').¹¹ *Trygð* meant a concrete 'truce' between equal parties, but was extended to denote a more abstract 'peace' between them, and to mean 'loyalty' in vertical relationships.¹² Both terms have to do with loyalty, presumably because they can be traced back to the meaning 'secure, firm'.¹³ This loyalty is basically reciprocal, as is clear from the other basic meaning of the Germanic term, 'discussion, negotiation'.¹⁴ It is also evident from the fact that the terms are used about both vertical and horizontal relationships, without it always being clear what type of nexus it is; often it is not possible to discern the patron and the client in a relationship. This indicates a contextual perception of loyalty.¹⁵

The adjective *holtr* concerns the affective side of a relationship of loyalty. The term has two basic meanings: 'faithful, loyal', and 'gracious,

⁹ *Orðsifjabók*, s.v. *traust*, *trygð*.

¹⁰ Green 1965, pp. 117–40.

¹¹ Green 1965, pp. 126–40. Green's basis for this is the use of the verb *trôsten*, as the transitive verb is used only about an active patron ('help, protect'), while the secondary intransitive form ('believe, trust in') becomes a reflexive verb (Old Norse *treystask*). *Traust*, according to Fritzner, has the main meanings 'assistance' and 'confidence'. In modern English *traust* is found in the form *trust*, which has only the abstract sense of the term.

¹² Green 1965, pp. 117–26. *Trygð* is defined by Fritzner as 'a relationship between people such that they have nothing to fear from each other', while Heggstad gives in addition the abstract meaning 'loyalty'. The adjectival form *tryggr* means 'reliable, faithful' and 'secure, unconcerned, peaceful'. In modern English this development has given rise to the difference between the abstract *truth* and the corresponding concrete *truce*, both of which derive from *triuwa*.

¹³ *Orðsifjabók*, s.v. *traust*.

¹⁴ *Orðsifjabók*, s.v. *traust*.

¹⁵ The classification of who is the patron and who is the client in a relationship is not unambiguously determined, but dependent on the context; this agrees with Robert Paine's statement that strategy and resources were more important than formal markers of rank in patron-client relationships ('A Theory of Patronage and Brokerage', in R. Paine (ed.), *Patrons and Brokers in the East Arctic*, St John's 1971).

devout',¹⁶ related to Old High German *hold*, meaning 'kindly disposed'.¹⁷ The terms *öruggr* and *einarrðr* show in different ways the courageous aspect of loyalty. *Einarðr* means 'firm; reliable; determined; simple',¹⁸ coming from Germanic **einhardr*, meaning 'very hard'.¹⁹ *Öruggr* has as its main meaning 'out of danger, safe; fearless; reliable',²⁰ and can be traced back to *ör* + *ruggr*, 'without fear'.²¹ For both terms there can be an overlap between a concrete sense ('secure, firm') and an abstract sense ('reliable, loyal'). For *öruggr* it is also uncertain at times whether the term means 'reliable' or 'fearless'.²²

Finally, there are the terms that more directly concern breach of loyalty. *Svik* is the most commonly used Old Norse word, and as in modern Norwegian the main meaning is 'betrayal, treachery', which can be traced back to Germanic **swik-* and Indo-European **suei-g-* ('to twist or bend').²³ The terms *fals* and *flærð* mean 'betrayal, deceit',²⁴ the former having Latin roots, the latter Germanic.²⁵ Like *trú*, the words denote both disloyalty and untruthfulness.

Landráð can mean both 'government of the land' and 'high treason'.²⁶ The reason for this ambiguity can be found in the verb *ráða*, which in addition to the common meaning 'to advise, decide, govern' can mean 'betray'.²⁷ *Níðingsverk*, according to Fritzner, means 'an act whereby one makes oneself a *níðingr* [villain], is guilty of *níðingsskapr* [villainy], incurs *níðingssök* [a charge of villainy]', from *níð*, which can be translated as 'contumely', and *níða*, 'to try to lower a person in the opinion of others by portraying him as being worthy of scorn'.²⁸ Etymologically the terms

¹⁶ *Orðbog*, s.v. *holtr*, *hollusta*.

¹⁷ *Orðsifjabók*, s.v. *hollur*. The concrete sense of this can be found in the Germanic form **hulþa-*, 'leaning against something'.

¹⁸ *Orðbog*, s.v. *einart*, *einörð*, *einarrðligr*.

¹⁹ *Orðsifjabók*, s.v. *einarrður*.

²⁰ *Orðbog*, s.v. *öruggr*, *örugð*, *öruggliga*.

²¹ *Orðsifjabók*, s.v. *öruggur*.

²² See, for example, *Svs* 143, *BH* 23.

²³ *Orðsifjabók*, s.v. *svik*. This meaning can be found in the related terms *svig* ('bend, circuit'), *svif* ('veering'), and in *svimi* ('giddiness'), and the associated term *sveyk(u)r* means 'weak, sick'. This seems to show the negative connotations of *svik*.

²⁴ *Orðbog*, s.v. *fals*, *flærð*.

²⁵ *Orðsifjabók*, s.v. *fals*, *flærð*.

²⁶ *Orðbog*, s.v. *landráð*. The same ambiguity applies to the term *landráðamaðr*, which can mean both 'ruler of a land' and 'traitor'. The term *landráðasök*, however, has only the latter meaning.

²⁷ *Orðsifjabók*, s.v. *ráða*.

²⁸ *Orðbog*, s.v. *níðingr*, *níða*.

níð and *níða* are derived from roots meaning ‘hatred, envy’ (as in Old High German and Old Saxon) and ‘strife, misery’ (as in Old Irish).²⁹

In addition to these terms I will also bring in other terms in some of the chapters. These are words for raiding and devastation (*herja*, *ræna*) in the chapter about retainers, for conscription and tribute (*leiðangr*, *skattr*, *gjald*) in the chapter about the peasants, and for forgiveness (*miskunn*, *fyrirgefa*), anger (*reiðr*, *stygggr*), and reconciliation (*sætt*, *gríð*) in parts of all the chapters. The terms will be presented as we go along. In some cases it will also be necessary to analyse episodes where these terms are not used.

A shared feature of the words for loyalty is, first of all, that they concern relationships which were personal. This means that they had to be established actively between two parties. Secondly, relationships of loyalty were reciprocal, as is evident from the uncertain identity of the patron and the client in relationships of loyalty, and the confusion of horizontal and vertical relationships.

The terms for loyalty thus indicate a type of subordination that seems to differ in important respects from the subordination denoted by terms for obedience and service. The relationship of loyalty seems more equal than relationships based on service and particularly obedience, even though relationships of loyalty were also asymmetrical. The obligatory character of obedience is alien to loyalty, which does not operate with the fact of living in the king’s realm as a sufficient condition for the establishment of such a relationship. Unlike a relationship of service, there are no associations with anything demeaning; if anything, there are positive connotations such as devotion and courage.

Below is a table showing when words for loyalty are used about retainers, magnates, and peasants in the contemporary sagas. The upper half of the table distinguishes between different social groups (retainers, magnates, peasants), and between contemporary kings’ sagas and *Sturlunga saga* (stating the total number, followed by figures for kings’ sagas and *Sturlunga saga*). The bottom half shows the differences between the different kings’ sagas. The saga references are not specified in footnotes.

²⁹ *Orðsifjabók*, s.v. *níð*, *níða*.

	<i>trú</i>	<i>traust tryggj</i>	<i>holtr einarðr öruggj</i>	<i>svik fals, flærð</i>	<i>landráð níðingsverk</i>
Groups (total: kings' sagas– <i>Sturlunga saga</i>)					
Retainers 65: 47–18	23: 11–12	9: 6–3 3: 2–1	11: 10–1	4: 3–1 7: 7–0	1: 1–0 7: 7–0
Magnates 172: 109–63	76: 45–31	11: 8–3 8: 7–1	17: 10–7	28: 16–12 15: 13–2	3: 1–2 14: 9–5
Peasants 63: 41–22	28: 15–13	7: 5–2 4: 3–1	3: 3–0	8: 5–3 5: 4–1	7: 5–2 1: 1–0
Kings' sagas (total: retainers– magnates– peasants)					
<i>Sverris saga</i> 96	29: 5–14–10	14: 3–6–5 3: 0–2–1	9: 5–2–2	14: 2–7–5 13: 4–6–3	3: 0–1–2 11: 4–6–1
<i>Böglunga sögur</i> 5	–	– 0–1–0	1–0–0	1–1–0 –	– 0–1–0
<i>Hákonar saga Hákonarsonar</i> 96	42: 6–31–5	5: 3–2–0 8: 2–4–2	13: 4–8–1	8: 0–8–0 11: 3–7–1	4: 1–0–3 5: 3–2–0

The frequency of the terms for loyalty as a whole is fairly stable in the different kings' sagas, taking into consideration their differing length. The reason there are as many references in *Sverris saga* as in the longer *Hákonar saga Hákonarsonar* is that *Sverris saga* has more references to more than one of the groups. The Old Norse versions of *Böglunga sögur* are so short and have so few references to the terms that I will exclude them from the quantitative study. *Sturlunga saga* has a proportionately lower frequency than the kings' sagas, but this is not wholly unexpected,

considering that the terms are mostly used about the king. Some minor variations can be detected in the kings' sagas. For the terms denoting loyalty (the three columns to the left) the tendency is to a slight increase, from 54 in *Sverris saga* to 68 in *Hákonar saga Hákonarsonar*. The rise is significant for the term *trúnaðr* (classified as one of several forms for the term *trú*), from 4 references in *Sverris saga* to 25 in *Hákonar saga Hákonarsonar*. The opposite tendency characterizes the terms for breach of loyalty (the two columns to the right), where *Hákonar saga Hákonarsonar* has fewer references than *Sverris saga* (28 versus 41).

Magnates are the group about which the terms are used most often. They occur more than twice as often proportionately in the material as retainers and peasants (the figures are 109, 47, and 41 references respectively in the kings' sagas). This distribution is roughly similar for the terms denoting loyalty (70 for magnates versus 29 for retainers and 26 for peasants) and breaches of loyalty (here the figures are 39, 18, and 15 respectively). The relationship between the three groups varies somewhat from term to term, but the only significant difference is that the peasants figure much more often in connection with *landráð* than the other terms, with 7 of 11 references. I shall not analyse the quantitative data any further here, because it would involve excessive uncertainty to draw conclusions from the material.

In the following I shall examine the three groups—retainers, magnates, and peasants—in separate chapters, assessing their ideas of loyalty based on their concrete dealings with the king. For an interaction to be defined as a relationship of loyalty it is normally necessary for one or more of the above terms to occur, but in some cases where there is particularly good reason, I will also bring in episodes where the terms are not used. In analysing the situations where terms for loyalty occur, I shall not proceed from their chronological order, but from their relevance for the topic under consideration. This may make it more difficult to obtain a general view, but it ensures a more uniform and less fragmented investigation.

CHAPTER ONE

THE RELATIONSHIP BETWEEN KING AND RETAINERS

Introduction

The king's retainers consisted of the hirdmen who shared his table. They were attached to the king through personal bonds of service which ideally gave high status and were highly asymmetrical. Yet the retainers also include the men conscripted when the king was campaigning with the *leiðangr*. The essential thing here is that the retainers usually accompanied the king, and that their physical distance to the king was therefore minimal. The social distance to the king could vary, however, since the differences between the upper and the lower strata in this group were considerable. Although the hirdmen and the *leiðangsmenn* are treated together here, I shall make a distinction between them when it is possible and significant for the investigation.¹

Conflicts between the king and his retainers tended to arise in critical situations in connection with battles and expeditions. These were fairly common activities in the time of King Sverre, whereas they occurred less frequently during the reign of Håkon, especially in the period after 1240. The crucial thing in this analysis, however, is not the real historical frequency of battles and expeditions, but the way in which these are portrayed in the sagas. This also means that it is not important whether battles or expeditions took place at home or abroad, even if this may have been significant in other ways for the accounts.

Conflicts between the king and his retainers mostly took the form of a tug-of-war rather than open confrontations. The theme of the struggle varied depending on which phase of the conflict it occurred

¹ Cf. the reasons given for this method of categorization in the introduction to this part. I do not wish to take a stance on the question of whether the *leiðangsmenn* should primarily be perceived as directly subordinate to the king or as the magnates' private retainers, a topic of much debate in recent Danish research (Lund 1996, pp. 64–68, 245–46, review in Albrechtsen 1998, and subsequent debate in Gelting 1999 and Lund 1999; see also Hermanson 2000). Geir Atle Ersland has touched on this in a Norwegian context without considering it in the same detail (Geir Atle Ersland and Terje H. Holm, *Norsk forsvarshistorie* vol. 1, Bergen 2000, pp. 51, 63).

in. In preparations for battles and expeditions the crucial factor was the retainers' support, whereas during and after these enterprises the focus was on plundering and giving quarter. Because these conflict themes are so interwoven, I want to extend the terminology to include terms for plunder (*herja* and *ræna*) and truce or quarter (*gríð*). Their use will be specified later in this chapter. The main question is to what extent retainers displayed absolute loyalty to the king in these areas of potential conflict. A distinction will be made between an ideological and a practical perspective, as explained in the introduction. First I shall consider support before battles and expeditions, and then go on to examine plundering on expeditions and truce after battles.

1. *Support before battles and expeditions*

The king often appealed to loyalty to mobilize the army to take part in expeditions and battles. Rousing soldiers for battle was a set topos with the rendering of speeches by generals, which goes back to classical models.² The focus on speeches before battles means that *Sverris saga* is distinctly over-represented in relation to *Hákonar saga Hákonarsonar*. It is nevertheless not the frequency of speeches, but the way of appealing for support that is essential in this context. Sverre's speeches before the battles of Kalvskinnet in 1179, Ilevollene in 1180, Nordnes in 1181, Fimreite in 1184, and Strindfjorden in 1199 are reported at great length, while Hákon is represented only by a long speech before the battle of Oslo in 1240.³ Several other speeches are cited, by Sverre and by Magnus Erlingsson, Arnbjørn Jonsson, and Nikolas Arnesson, but these are more peripheral here because they are not so much about appeals for loyalty.⁴

When the king referred to the retainers' duty of allegiance to him, we can assume that loyalty to the king was mainly of an absolute character. Loyalty was not something the king was forced to appeal to; he could take it for granted. Conversely, a royal appeal to the retainers'

² The most important model was Vegetius' *Epitoma rei militaris* (translation: *Epitome of Military Science* by N. P. Milner (Liverpool 1996)). Thanks to Knut Arstad for drawing my attention to this.

³ *Svs* 35, 47, 52, 88, 158; *HsH* 229.

⁴ *Svs* 53 (Magnus, Nordnes), 89–90 (Magnus and Arnbjørn, Fimreite), 134–35 (Sverre and Nikolas, Oslo 1197), 147 (Sverre, Jonsvollene), 162–64 (Sverre, Oslo 1200).

interest in fighting for him implied a more contextual understanding of loyalty. He could not expect loyalty on every occasion, but had to try to activate it in each situation.

The ideological perspective: from royal appeal to command

The pre-battle speeches in *Sverris saga* testify to a decidedly contextual understanding of loyalty. The king had to appeal actively to the allegiance of his retainers if he wished to obtain their backing, and he depended on them seeing a personal interest in supporting him. Before the battle at Nordnes in 1181 Sverre tried to inflame his men to act both by appealing to their loyalty and by praising them for it. First he lauded them for becoming “stauncher and keener the longer the battle goes on”.⁵ He then urged them to “be resolute against our enemies”.⁶ This had the desired effect, for the Birkibeinar said to each other that only a scoundrel (*níðingr*) would fail to fight for his king.⁷

In *From Gang Leader to the Lord's Anointed*, Sverre Bagge points out about Sverre's speeches that “the way he addresses his men is adapted to each particular situation”.⁸ This sensitivity to the men's situationally determined reactions can be attributed to the contractual relationship between Sverre and the Birkibeinar: “He cannot order them to attack and has to discuss with them and persuade them if there is any doubt of their willingness to do so.”⁹ What Sverre had to play on if he was to gain the support of his men was their self-interest more than their obedience: “He appeals to individual wishes for gain, not to loyalty or patriotism.”¹⁰ Occasionally, as before the battle of Kalvskinnet, he referred directly to the reward they could expect if they were victorious.¹¹ At other times, as after the battle of Fimreite, it was only after the fighting was over that he rewarded his men in the form of offices,

⁵ “þer erut þvi traustari oc snarpari sem raunin er meiri oc lengri” (*Svs* 52).

⁶ “verit nu oruggir imoti uvinum varum” (*Svs* 52). Before the battle of Kalvskinnet, *Sverris saga* says that Sverre “asked them [the Birkibeinar] to follow him well and faithfully” (*Svs* 35).

⁷ *Svs* 52. See also *Svs* 91.

⁸ Bagge 1996, p. 29.

⁹ *Ibid.*, p. 24.

¹⁰ *Ibid.*, p. 26.

¹¹ *Svs* 35.

feasts, wives, and estates. Those who benefited in this way are said to have been “loyal to him ever after”.¹²

The king’s dependence on his retainers’ largely voluntary support meant that he had a shaky foundation for having his way if he could not simultaneously persuade them that he was right. Even when his exhortations to battle could come close to outright pressure, as before the battle of Jonsvollene in 1198, it was with arguments, and not coercion, that he finally gained their backing.¹³ Conversely, he averted a struggle against the wishes of the Birkibeinar in East Norway in 1177, but again this was done by appealing to their interests.¹⁴ The only time Sverre and the Birkibeinar are said to have disagreed was at Hattehammeren in 1178, where the Birkibeinar had their way and the result was a crushing defeat.¹⁵ It is doubtful, however, whether the disagreement on this occasion was as great as the saga would suggest, for this was not the only time when someone other than Sverre was blamed when something went wrong.¹⁶ The significant thing here is that Sverre rarely acted against the wishes of his retainers, because he would not have got far if he had done so. Sverre’s sensitivity to his retainers’ needs and his appeal to their interests indicates that he had a highly contextual understanding of loyalty to the king: it was not a privileged disposition to act but something that had to be actively mobilized through appeals to self-interest.

According to Sverre Bagge, there is a significant difference between Sverre’s and Håkon’s relationship to their men: “*Håkonar saga* shows little trace of the strong mutual relationship between the leader and his men characteristic of *Sverris saga*.”¹⁷ The difference, in Bagge’s view, is that Håkon, unlike Sverre, is “rarely shown encouraging or persuading his men; Sturla [Þórðarson] usually implies that he gives his orders and is obeyed.”¹⁸ Håkon stands out as a king who could demand absolute

¹² “voru þeir honum orugir iafnan síðan” (*Svs* 100). After the battle against the peasants at Oslo in 1200, the saga says that Sverre thanked the townsmen for their help, “and his own men for loyally following him” (*Svs* 165).

¹³ The Birkibeinar were initially sceptical, but after hearing Sverre’s arguments they were convinced (*Svs* 147).

¹⁴ Sverre’s excuse for the withdrawal was that it was not a retreat but instead the best way to get revenge (*Svs* 16).

¹⁵ *Svs* 27–29.

¹⁶ See, for example, the appointment of Nikolas Arnesson as bishop, which the saga ascribes to the insistence of the queen (*Svs* 111). Cf. Bagge 1996, p. 33.

¹⁷ Bagge 1996, p. 131.

¹⁸ *Ibid.*, p. 144.

loyalty. He could count on his men wanting to follow him, because they were duty-bound to obey him whatever the circumstances.

The practical perspective: royal appeals persist

In *From Gang Leader to the Lord's Anointed* Sverre Bagge was primarily concerned with the royal ideology in *Sverris saga* and *Hákonar saga Hákonarsonar*, and not with the actual historical development. He describes Hákon's speech before the battle against Skule in 1240 as "more ideological and less related to the concrete situation than those of Sverrir".¹⁹ This is correct, in the sense that Hákon took a lot of time to explain how unjustified Skule's rebellion was. On the other hand, it is easy to find similarities to Sverre's battle speeches in Hákon's speech in 1240. First of all, Sverre too invoked ideological arguments in his speeches. Hákon's appeal to his men to "defend our liberty and property" against the Várbelgir has an exact parallel in Sverre's appeal to the inhabitants of Oslo forty years earlier.²⁰ Secondly, Hákon also appealed to his men's interests. After having referred to their duties to king and country, he encouraged them to "remember that they have lost kinsmen and property",²¹ and he ended by retelling one of Sverre's stories, with explicit reference to his grandfather.²²

One difference, however, is that Hákon, after the battle in Oslo, was not concerned about praising the army, as Sverre had done forty years before. But he was worried that they might break the church peace (i.e., church asylum) in his absence.²³ This account should nevertheless be viewed as a reflection of the *rex iustus* ideal, and not of a real difference between the two kings. Firstly, Hákon's worry about the violation

¹⁹ Ibid. Hákon's speech "focuses mainly on the justice of his own cause and the loyalty the men owe to him" (Ibid., p. 137).

²⁰ Before the battle of Oslo, Sverre appealed to the men to "defend their property and freedom" ("veria sitt fe oc frelsi", *Sss* 162). The appeal was to the townsmen and not to Sverre's own soldiers. This indicates that, if anything, he had a firmer grasp of his own men than Hákon had.

²¹ "minniz menn aa frændalat ok fiar" (*HsH* 229). It turned out after the battle that Hákon's men were concerned with this private aspect, and that the king to a certain extent had to accept it; cf. the next section on truces.

²² *HsH* 230.

²³ *HsH* 237. On the church peace, see Hans Jacob Orning, *Mot statsdannelse? En undersøkelse av aktors forhold til et utvalg sosiale normer med henblikk på om det foregikk en statsdannelse i Norge i første halvdel av 1200-tallet, vesentlig etter Hákon Hákonssons saga*, unpublished degree thesis in history, Oslo 1994, pp. 25–46.

of the church peace is superfluous as an explanation for why he gave up chasing Skule, for this was explained by the near impossibility of catching him.²⁴ Secondly, there is little doubt that also Håkon generously rewarded and praised his soldiers after the battle in 1240.²⁵ It is therefore probable that Håkon appealed to his men before battles in roughly the same way as Sverre had done, and that the difference between the two kings in their relationship to their men was primarily ideological.

Håkon's reciprocal relationship to his men and the similarities between Håkon's and Sverre's leadership emerge more clearly if we expand the chronological perspective from the kings' battle speeches to their appeals to the army to join him on expeditions. Calling up the *leiðangr* was regulated in the provincial laws and the national law, and even though there has been considerable discussion of the age and organization of the *leiðangr*, there is widespread agreement that it was used in a more flexible way than the laws stipulated.²⁶

Not surprisingly, Sverre encountered problems when he wanted to mobilize men against their will. In 1196 he set off with a large fleet from Trøndelag against the Baglar, and after they had lain in Viken for a time, many of the men complained that they wanted to go home. Sverre replied that he wanted to stay there a little longer, but in the end he had to give in: "But since you want to go away now, it must be as you wish."²⁷ The next year he set out again with the *leiðangr* to Viken, where he once again had problems with discontent in the army.²⁸ When secret plans were being forged to end the expedition, however, he took action and killed the man responsible.²⁹ Although the problems with desertion from the *leiðangr* were supposedly over with this, they

²⁴ *HsH* 237.

²⁵ Håkon's promise to his men of "greater elbow room" before the campaign against Skule (*HsH* 224) had its background in the fact that the third of the country possessed by Skule would be open to the king's men if they defeated him.

²⁶ The *leiðangr* summons was extended from two months a year in the provincial laws to three in the national law (*G* 300, *ML* III 9). Ersland emphasizes the agreements between the king and the peasants as crucial for how the *leiðangr* was practised (Ersland 2000, pp. 54, 63). Knut Helle points out that "the *leiðangr* was used in a rather free and elastic way in the later part of the civil wars" (Helle 1974, p. 191). Kåre Lunden sees a greater variation in the way the summons was practised (Lunden 1976, pp. 198, 300). Cf. also the Danish debate about Niels Lund's dissertation, referred to above.

²⁷ "En með því at þer vilit nu ibrot þa skal þat vera", *Szs* 132. For a concrete example of how difficult it was for the king to prevent men from going home, see *Szs* 70.

²⁸ *Szs* 133.

²⁹ *Szs* 139.

had not been definitively solved, for three years later Sverre chose to send the Trønds home and replace them with *leiðangsmenn* from Viken, rather than spend the winter with unwilling Trønds in his army.³⁰ He thus avoided discontent among his soldiers. This manoeuvre nevertheless proved risky in other ways, for it was among the *leiðangsmenn* from Viken that a rising against Sverre was planned and implemented.³¹ Sverre had little chance when he tried to mobilize men against their wishes. He was dependent on their participation, and had few other alternatives than to adjust his actions to suit the support that they were willing to give him.

This reciprocal relationship continued in *Hákonar saga Hákonarsonar*. It is particularly clear in connection with Skule Bårdsson, who found out how dependent his men's backing was on the strength of his forces in his rivalry with Håkon in the 1230s. He never succeeded in mobilizing more ships against the king than the number he assembled the first time, in 1233, although it can hardly have been for lack of will.³² He also experienced defection when he withdrew from an encounter with Håkon in 1235,³³ and after his defeat at Oslo in 1240 there was general desertion.³⁴

Skule's problems with defection were due to the fact that he was not the king and therefore did not have the same authority and ability to mobilize men that Håkon had. It may also be, however, that problems of desertion were more openly acknowledged in his case than in Håkon's, because Sturla was not subjected to such a strong ideological charge in the description of him as when describing Håkon. To find out whether it was Skule's lack of a royal title or his weaker forces that was the most important reason for his loss of supporters, we should investigate whether Håkon experienced the same in vulnerable situations.

King Håkon usually had the advantage on Skule in terms of the size of his forces, but he was also forced to witness how his men's support became more lukewarm when they felt that things were going against them. When he summoned the fleet in Nidaros to proceed against Skule

³⁰ *Svs* 162.

³¹ *Svs* 162. I shall return to this in the chapter about the king and the peasants.

³² Skule was said to have nearly 30 ships in 1233 (*HsH* 176), at least 20 in 1235 (181), and 20 in 1239 (195).

³³ The saga does not call this disloyalty, but says only that they "parted" (*skilduz*) from him (*HsH* 182). One poem called this breaking their oath ("eidar rufuz vid Jnga brodr") (*HsH* 182).

³⁴ *HsH* 238, 239.

in 1240, the saga says that “there had been some grumbling in the army after the battle at Låka”, which Skule had won.³⁵ The expression of this discontent was that many men, especially in the *leiðangr*, were afraid and asked to be sent home. Håkon’s reaction to this unwillingness gives a good illustration of his relationship to the retainers. He tried as long as he could to appeal to the retainers’ positive interest in following him, especially the hirdmen. Just before the army set off for Nidaros, the saga says that he broke up the inherited silver and distributed it among the hird.³⁶ He also tried to coax the hird by saying that some of them would soon “have greater elbow room in the hird than they have now”.³⁷

When this was still not enough to prevent the tendencies to desertion, Håkon was obliged to try to pressure the retainers to remain with him. He began by criticizing the peasants of Trøndelag for being more opposed to him than he had expected, and therefore made veiled threats of retribution.³⁸ Then he made a speech in which he said it was unmanly not to stick by him,³⁹ and he reinforced the threats by invoking God’s punishment as well.⁴⁰ Not even this seemed to have had the desired effect, however, for when Håkon arrived in Bergen with the fleet it turned out that the desertion problems persisted. Requests to go home came not just from the men of the *leiðangr*, but from as high up as his counsellors and vassals.⁴¹

The saga then recounts Håkon’s declaration that those who refused to stand by him would be sentenced for high treason (*landráð*).⁴² Now it was not just unmanly, but also illegal, not to follow the king. The prohibition was not particularly effective, however, for the saga says that “many were keen to go back to the town”.⁴³ In keeping with the

³⁵ “Kurrnockur hafði verið j herinum, sidan slagit vard a Laku” (*HsH* 224). The fact that he did not take offence at being called “Sleepy Håkon” (Håkon svefni) has a parallel in *Sverris saga*, when many men wanted to leave during a campaign, but where the saga says: “But he did not care about what people said” (*Svs* 133).

³⁶ *HsH* 210.

³⁷ “skal sumum vera rymra vm hendr jnnan hirdar, en nu er” (*HsH* 224), cf. *HsH* 229.

³⁸ “He said that it would soon be clear who disliked it most, the king or the peasants” (*HsH* 223).

³⁹ *HsH* 224.

⁴⁰ “God will give me such long arms that I will repay those who will not follow us, in such a way that they will feel it” (*HsH* 225).

⁴¹ *HsH* 225.

⁴² *HsH* 225.

⁴³ “margir voru fusir aptur til bæiarinnis” (*HsH* 227). It is also said that the men were slow to get up (*HsH* 227).

ideal of the *rex iustus*, Håkon seemed unshakeable in his belief in his cause, but he had to admit that he was powerless before his men if they did not wish to support him: “even if I do not get more than three ships, I want to sail east.”⁴⁴ He had little to say once people had lost faith in him, and had few sanctions to apply to prevent defection from the fleet.

Håkon’s only solution to this problem was to act quickly and use the advantage that his presence gave him. He stated two reasons for refusing his men their request for discharge: the first was that “we hardly know whether we will get any greater forces from Gulatingslag than we have now”,⁴⁵ the other was that “the later we get to Viken, the less strength we will have there”.⁴⁶ It was more difficult to defy the king’s will in his presence than in his absence, and this concerned both the *leiðangsmenn* and the men of Viken. Of the latter the saga says that they were shifting to Skule’s side after he had arrived in East Norway.⁴⁷ Håkon’s aim was therefore get to Viken as quickly as possible, because this was the only way to keep the *leiðangr* assembled and prevent further defection by the Viken men.⁴⁸

Skule’s rebellion in 1239–40 was the most dramatic domestic threat to Håkon Håkonsson during his reign, and we must therefore ask how representative this situation was for Håkon’s authority as king. The saga shows that this was not the only time he was challenged as king, and not the only time his uncertain hold on his retainers was described. In the first ten years he had not only Skule’s rivalry but also the rebellion of the Ribbungar to deal with, and it is said several times in this period that he could not get the army to follow him on expeditions against the Ribbungar. This was not called disloyalty or disobedience, however.⁴⁹ In 1220 we read that he could not recruit men for the *leiðangr* because the

⁴⁴ “þó man ek austr fara, at ek hafi eigi meira en þrjú skip” (*HsH* 225).

⁴⁵ “ver vitum varla, huart vær faum meira styrk af Gulapings-logum ofar meir, en nu hofum vær” (*HsH* 225).

⁴⁶ “þui minni vera vor styrkr, sem ver komum seinna til sialfir” (*HsH* 225). This is stated openly when Skule arrived in Oslo after the victory at Låka: “Many Birkibeinar paid homage to the duke” (220).

⁴⁷ “[P]eople believed that no resistance was possible” against Skule (*HsH* 226).

⁴⁸ Sverre Bagge does not disagree that Håkon encountered problems with desertion in 1240 (Bagge 1996, pp. 136–37). He nevertheless ends up concluding that Håkon “was to a greater extent able to act as a military commander in the modern sense, expecting his men to obey him” (p. 138).

⁴⁹ *HsH* 68–69, 137, cf. Orning 1994, pp. 76–78.

king's *sýslumenn* "are not very afraid of the king".⁵⁰ When the Birkibeinar found themselves in a critical position in Viken in the late autumn of 1225, Håkon headed for West Norway, according to the saga, to gather reinforcements. He left Gunnbjörn Jonsbror with a force in Tunsberg, and "promised them hard terms if they gave up the castle".⁵¹ With the coming of spring, however, they did not dare hold on any longer there on account of the great Ribbung forces in Viken, and sailed to the king in Bergen. The saga then says that the king "received them well" even though they had ignored his instructions.⁵²

Håkon's problems with the *leiðangr* were not confined to the first tricky years of his reign or the period of Skule's rebellion. As late as the last year of his life, when he sat securely on the throne, there was extensive defection from the fleet. After the expedition to Scotland in 1263 the saga tells how "a large share of the army sailed to Norway, some with his permission, but some gave themselves leave".⁵³ It is an open question, however, whether this was perceived at all as a problem by the king, since those who left without the king's permission were not described as disloyal. Instead of condemning them, the saga praised those who heeded the king's command: "most of the best men stayed with the king."⁵⁴

The king's problems in mobilizing his retainers probably concerned the *leiðangsmenn* in particular, but the difference between them and the permanent hird were not significant, for even hirdmen could get cold feet when the prospects of victory dwindled. Yet this did not mean that the retainers had transgressed any normative boundary for loyalty, since they were not assessed in terms of the dichotomy of loyalty and disloyalty. They seem to have been evaluated on a scale of degrees, according to which it was better the more wholeheartedly they followed the king. It was desirable that the king's retainers followed him through thick and thin. If they failed to do so it was deplorable, but it was not

⁵⁰ "sýslumenn hræddast litt kongin" (*HsH* 60). The fact that no one was afraid of the king will be considered in detail in the next chapter, where the king's anger will be analysed.

⁵¹ "lagde þeim vit stora afarkoste, ef þeir gæfi vpp bergit" (*HsH* 140).

⁵² "fagnadi þeim vel" (*HsH* 142). On the strong position of the Ribbungar at this time, see Knut Arstad, *Kongsemner og maktkonstellasjoner i innbyrdesstridenes Norge 1157–1227*, unpublished degree thesis in history, Oslo 1994, pp. 136–44.

⁵³ "var þa mikill hluti hersins sigldur til norigis sumer med lofi hans. en sumer gafu ser sialfer heimleyfi" (*HsH* 328, Sth. 8 fol.).

⁵⁴ "flester hiner bezstu menn voru epter med konginum" (*HsH* 328).

incomprehensible, and scarcely an expression of disloyalty to the king. Such actions were not so much “unlawful” as “dishonourable”, in that the retainers did not live up to the ideal of honour.⁵⁵ In this respect the sagas were on a collision course with the laws, which operated with a clearly defined distinction between loyalty and disloyalty. The old Gulathing law specified outlawry as the penalty for leaving the king’s ship without permission.⁵⁶ In the kings’ sagas, however, it is rare to find retainers being accused of disloyalty. It never happened in *Sverris saga*, and in *Hákonar saga Hákonarsonar* only in vague terms.⁵⁷ What the normative sources classified as disloyalty does not seem to have been perceived in the same way by the king’s retainers, and scarcely by the saga author either.

The difference between the portrayal of the relationship between the king and his retainers in *Sverris saga* and *Hákonar saga Hákonarsonar* is partly due to real differences in history. Sverre had decidedly greater problems in gaining support among his retainers than Hákon had. Moreover, Sverre got himself into far more conflict situations than Hákon did, which reflects his more vulnerable position as king.

However, the difference between the presentation of the relationship in the two sagas should also be viewed against the background of what the respective saga writer was concerned with. For Karl Jónsson it was a matter of exaggerating the opposition that Sverre encountered, because this opposition was a measure of his shrewdness. For Sturla Þórðarson, on the other hand, opposition to Hákon was a sign that he was not entitled to be king, and this consequently had to be minimized.

Behind this ideological difference it is the contextual quality of the relationship of loyalty between king and retainers that shines through in both sagas. The retainers’ loyalty was not a stable willingness to act regardless of the context; it was something the king actively had to appeal for from one case to another. The kings activated ideas of loyalty in critical situations, and did so not so much with reference to the retainers’ duty to follow him, as by persuading them that it was in

⁵⁵ Cf. note 86 on this ideal of honour.

⁵⁶ *G* 302 (*ML* III 13 on the ship’s commander).

⁵⁷ Most cases were about unspecified accusations about disloyal king’s men, put forward in the first years of Hákon’s reign, when the charges implicitly concerned Skule Bárðsson (*HS* 21, 43, 45, 54, 85). In two cases men were accused of proposing regicide (50, 160).

their own interest to stand by the king in situations of imminent threat. This is very reminiscent of the way the Icelandic sagas describe how Icelandic chieftains and big peasants sought support. Neither kinsmen nor friends were automatically obliged to provide support, but had to be begged, and success depended on contextual factors such as the nature of the case, the people involved, and the methods to be used.⁵⁸ Sverre Bagge is right in that Sverre gained support not through coercion, but by convincing his men. When we come to concrete practice, however, this was true not only of Sverre, but to a large extent also of Håkon. The fact that such situations occurred less often during Håkon's reign than in Sverre's is a sign that Håkon was more securely in power than Sverre had been. The most important thing here is nevertheless that the relationship between the king and his retainers in critical situations was largely the same for the two kings.

2. *Plunder on expeditions and truces after battles*

While the king could have problems in mobilizing his retainers to fight in his battles, the main issue during and after battles was whether he could get the retainers to accept his prohibition on plunder and his decisions as to who should be given quarter. The king was in a squeeze when these questions came up, for here he had to consider both his opponents and the wishes of his men. Consideration for the opponent will be discussed in the following chapters about the king's relationship to magnates and peasants, while the relationship to the retainers is the theme here.

The most common Old Norse terms for plunder are *herja* and *ræna*.⁵⁹ *Herja*, related to English *harry*, is used most about foreign expeditions, especially in *Håkonar saga Hákonarsonar*.⁶⁰ Inside Norway the word is used just once about the Ribbungar in *Håkonar saga Hákonarsonar*,⁶¹

⁵⁸ Cf. Byock 1988, pp. 103–36; Miller 1990, pp. 139–78; Jón Viðar Sigurðsson 1993, pp. 141–84. According to Sverre Bagge, this also applies in large measure to *Heimskringla* (Bagge 1991, pp. 111–21).

⁵⁹ *Ordbog, Glossarium: herja, ræna*. *Ræn* means roughly the same as modern “robbery”, apart from the fact that the perpetrator declared that he took the property openly, and it could often be viewed in a positive light.

⁶⁰ *HsH* 267, 276, 285, 286, 288, 291, 293, 295 (Denmark); *Svs* 27, 125, *Bs* 35, *HsH* 163, 166, 265, 317, 320, 321, 322, 323 (the western isles and Scotland).

⁶¹ *HsH* 148.

while it is used several times in *Sverris saga*, mainly about the Baglar, but also about the Birkibeinar.⁶² *Ræna* or “rob” is more seldom used about pillaging abroad,⁶³ but it occurs in descriptions of most bands of opponents, including Sverre’s (but not Håkon’s) Birkibeinar.⁶⁴ The most important harrying expeditions were Sverre’s against the men of Sogn in 1184 and against the men of Viken in 1201, and Håkon’s against the Vermlanders in 1225, against the Danes in the 1250s and the Scots in 1263.⁶⁵

The term *gríð*, often translated as “truce”, can refer to a guarantee of sanctuary for specific persons, places, or times, where the parties were usually equal, marked by the way that *gríð* was “set”. The term can also refer to the shelter and protection a person can receive from another; the reference is mostly to “giving” or “asking for” *gríð*.⁶⁶ Giving quarter rendered power, in that it created a debt of gratitude in the recipient, and the king had an interest in ensuring that it was he himself, and not someone else, that was owed this gratitude.⁶⁷ In the latter meaning the term is most often used in the contemporary sagas, mostly in connection with the termination of battles and conflicts.⁶⁸

The ideological perspective: the king as the absolute basis for plunder and truce

The *rex iustus* ideology made a clear distinction between war and peace, and it was the king who had the main responsibility for maintaining this distinction through his exercise of justice. The king’s truce (or the

⁶² *Svs* 146, 154, 155, 179 (on the Baglar); 96, 131 (on the Birkibeinar).

⁶³ *HsH* 256, 275, 276, 278, 280, 298 (on Denmark), *Svs* 125, *HsH* 321 (on the western isles), *HsH* 81, 271 (on northerly areas).

⁶⁴ *Svs* 108, 109 (the Kufflungar); *Svs* 110, 114, 116 (smaller factions); *Svs* 137, 153, 154, 158, *Bs* 29 (Baglar); *HsH* 33, 35, 75, 101, 108, 119, 139, 150, 259 (Slittungar and Ribbungar); *HsH* 202, 203 (Várbelgir); *Svs* 11, 16, 27, 32, 40, 53, 82, 117, 131 (Sverre’s Birkibeinar).

⁶⁵ *Svs* 81–82 (Sogn), 168–69 (Viken), *HsH* 114–17 (Vermland), 276, 278, 285–86, 288, 291, 293 (Denmark), 319–23 (Scotland). The burning of Bergen by the Baglar in 1198 actually qualified as plunder too, but it is not called that, just burning (*Svs* 150).

⁶⁶ *Ordbog, Glossarium: gríð*.

⁶⁷ See, for example, Anne Louise Lien, *Fra krigerflokk til hovisk hoff? Æresbegrepet i norsk hirdmål fra ca. 1000 til 1270*, unpublished degree thesis in history, Oslo 1997, pp. 43–46; Guðrun Nordal, *Ethics and Action in Thirteenth-century Iceland*, Odense 1998, pp. 192–98. The debt of gratitude is particularly clear from the term *gríðagiöf* (e.g. in *HsH* 237).

⁶⁸ *Selja gríð* is used only six times (*Svs* 60, *HsH* 28, 109, 196, 205, 209). Only the first two of these refer to horizontal relationships, while the last four concern the king or archbishop giving general quarter. In the other references to quarter is it a vertical relationship, marked through terms such as *gefa*, *bjóða*, *hafa*, *ganga til*, and others.

king's peace) was extended to apply to everyone, with the exception of those who broke the law.⁶⁹ This is equivalent to an absolute practice concerning plunder and truce, with a state of peace being characterized by no one being harried and everyone having the security of truce, while a state of war means that anyone can be harried and no one can be granted quarter.

Ideologically the king did his best to pursue an absolute stance on plunder and truce. If plundering and refusal to give quarter were to function as intended, it was essential that both were implemented ruthlessly. Before the battle of Nordnes in 1181 Magnus Erlingsson said: "it is my will that none of my men may make so bold as to give quarter to anyone."⁷⁰ Before the battle of Strindfjorden in 1199 Sverre urged his men not to give any of the Baglar quarter,⁷¹ and Håkon Håkonsson declared that, since the settlement with the Ribbungar in 1227 had come to nothing, "we shall not give them any quarter and shall pursue them as hard as we can".⁷² Sverre was often more explicit than Håkon in his specification of what the opponents should suffer. Before the expedition in Sogn in 1184 he ordered the army to harry so "the peasants will think that there has been an oven fire or that someone has burned forge coal where their farms now stand. Do not let a single hut remain standing."⁷³ King Håkon, however, was every bit as merciless as his grandfather when he fought abroad. In 1256 he addressed the army in Halland and "ordered them to harry the country and lay it waste with both fire and weapons".⁷⁴

When the opponents had surrendered, it was correspondingly important for the king to bring the violence to a complete stop by proclaiming a truce and prohibiting plundering. Kings who before a battle had enjoined on the retainers not to give quarter to anyone urged them to give quarter to everyone after the opponents had been defeated. The

⁶⁹ Arne Bøe, "Fridslagstiftning", *KLNM* IV, cols. 625–26; "Grid", *KLNM* V, cols. 463–64; Poul Meyer, "Drab", *KLNM* III, cols. 261–62. *Grid* is used a few times in this sense, cf. the previous note.

⁷⁰ "Vil ec birta firir ypr minn vilia at engi verpi sva diarfr minna manna at einum [gefi] griþ" (*Svs* 53). See also 32, 47, 62, 69.

⁷¹ *Svs* 159.

⁷² "ella jatun þeim ongum gridum, ok fylgium þeim nu sem rikazt" (*HsH* 156).

⁷³ "bøndr sculo van eiga bacellða eða smiðar-col þar sem nu ero boir þeira. latit allðri cot eptir standa" (*Svs* 82). At Viken in 1200–1 he asked the army to burn entire districts (168–69).

⁷⁴ "Bad þa heria a landit ok eyða bæði með elldi ok uopnum" (*HsH* 285). The same appeal was made to the army in Scotland in 1263 (319–23).

authors of *Sverris saga* and *Hákonar saga Hákonarsonar* were at pains to explain that the kings' harrying of Viken and Vermland was a consequence of the fact that the peasants refused to beg for mercy, because as soon as they did, the kings called a halt to all plundering.⁷⁵ After the battle in Oslo in 1240, Hákon was described as being just as gentle as he had been unrelenting beforehand,⁷⁶ and in 1227 he specified that "if we give them [the Ribbungar] quarter, we shall do so on condition that they shall be free from all prosecution in any court for what they have done against us".⁷⁷ Sverre expressed a similar attitude after the settlement with the Baglar in 1202,⁷⁸ and the Baglar did the same to the Birkibeinar in 1208.⁷⁹ This also applied abroad. Hákon Hákonsson ordered his men to "honourably hold truce" when the army was in Denmark in 1257.⁸⁰

The kings could take harsh measures to ensure compliance with their orders. When Sverre led his *leiðangr* against the Baglar in 1197 he tried a direct warning to prevent the retainers from plundering the peasants: "I ask you kindly to refrain from these abuses, for I dislike having to chastise you. But I shall nevertheless have to do so if there is no improvement in this."⁸¹ Hákon made a similar threat during the Vermland campaign in 1225, when he demanded that "they should

⁷⁵ *Sverris saga* and *Hákonar saga Hákonarsonar* have almost identical narratives about this. When an old woman asked to be spared on the Vermland expedition, Hákon granted this and asked her to tell the others that "several districts could have been unburnt if people had come to him and asked for forgiveness" (*HsH* 114). When Sverre during the harrying expedition in Viken was visited by a boy, he told him: "I would not have burnt any farm at all if the peasants had stayed at home and asked for quarter" (*Svs* 169).

⁷⁶ *HsH* 237.

⁷⁷ "ef ver vilium grid gefa þeim, þa skulu ver þat með þui moti giora, at þeir skulu vera klandalausir vm alla hluti, þa er þeir hafa við oss missgiort" (*HsH* 156).

⁷⁸ Sverre's speech was about quarter being granted to everyone or no one (*Svs* 179). He nevertheless worded it in slightly less absolute terms: "Shall we now give quarter to *some* men or to none?" (*Svs* 179, my italics).

⁷⁹ *Bs* 30, 33.

⁸⁰ "baud aurggrant aullum allualldr gridum hallda" (*HsH* 293, poem by Gizurr Þorvaldsson), see also *HsH* 291, 322–23.

⁸¹ "bið ec yðr með vinsamligum orðum at þer legið þesa uspekt niðr. því at mer þickir mikit firir at refsa yðr. oc þat sama verþr þo at gera ef eigi betraz við þett" (*Svs* 133). What Sverre objected to here was not plundering defeated enemies, for in the subsequent battle of Oslo the saga says that they confiscated all property in Oslo, the justification being that "both townsmen and merchants had fought against the king" (135–36). What the king wanted to curb was the plundering of peasants who were not involved.

stop the burning, and imposed punishments of life and limb for those who disobeyed his command”.⁸²

The practical perspective

In ideological terms the used king plunder and truce as instruments to achieve submission and control. The question then is, first, to what extent this was also observed by the retainers and, second, how far the kings followed their absolute perception in action, and whether any changes in this took place during the period. In the following section I shall examine the retainers’ attitude to plunder and truce, before returning to how the king related to this in practice.

The retainers’ contextual basis for plunder and truce

The retainers, unlike the king, had a distinctly contextual, particularizing attitude to plunder and truce, steered by specific criteria such as personal gain or personal connections. Their primary goal in plundering was not, as in the king’s case, to bring about the submission of the victims, but to acquire wealth and glory. The sagas give a number of examples of how concerned the retainers were with material gain.⁸³ The Kvitingsøy reconciliation in 1208 immediately led to grumbling “among the men who were penniless, but nevertheless had rank”, for with peace at home the only way to maintain wealth and status was by plundering abroad.⁸⁴ Plunder was also a means to achieve honour, as illustrated

⁸² *HsH* 117. Cf. the ban on plundering in Denmark (*HsH* 293) and Scotland (*HsH* 320–21).

⁸³ Soldiers pull the clothes off corpses (*ME* 14, *HsH* 238); the army wants to gain property (*Svs* 71, 82); the army and the king reward each other (*Svs* 91, 94, 165); the army gets detained in the pursuit of property (*Svs* 57, *Bs* 33), cf. Lunden 1976 pp. 69–73; Timothy Reuter, “Plunder and Tribute in the Carolingian Empire”, *Transactions of the Royal Historical Society*, 5th ser. 35, 1982, pp. 79–87. *Heimskringla* has striking testimony to the importance of material gain, not just for the army, but also for the leader, when the commander of the Markus men, Earl Sigurd, declared before a battle against Erling Skakke in 1163: “As God is my witness, I would rather deal Erling Skakke a single blow with Bastard than acquire a lot of gold” (*ME* 13). The astounding thing about the earl’s statement is not his priorities, but the fact that it was considered worth mentioning because it was so untypical that material gain was not what was wanted most, even by the leader of a war band.

⁸⁴ “af þeim monnum, er felausir vǫru ok höfðu þó nafnbætr” (*Bs* 35). The saga goes on to say: “It was then agreed that they would harry in the Hebrides the following spring, to gain wealth.” Cf. *Bs* 15, 29, 33 on leaders who wanted to give quarter but soldiers refused on account of the desire for acquire wealth. The army had been

by Sverre's warning to the men in the *leiðangr* fleet that set off against the Baglar in 1197:

It is not seemly for good peasants' sons [...] to fight against peasants' implements and tubs or other things on the farms, to chop them to pieces and destroy whatever stands in their way. It is no great achievement and nothing for you to boast of, and it is no benefit to those who own the things.⁸⁵

Sverre implied here that it was not the plundered goods that were most important for those who harried, but the actual plundering of the peasants. Harrying was deep-rooted in a warrior culture where plundering others was a way to demonstrate bravery and courage.⁸⁶

The different motives of retainers and kings are revealed with particular clarity in cases where the king ordered a stop to harrying when an opponent had begged for mercy. The retainers' desire to acquire property and honour by harrying meant that, unlike the king, they had no interest in stopping what they were doing on such occasions. When Håkon visited Denmark with a large fleet in 1257, the retainers were disgruntled with the fact that he had forbidden plundering, and they "incited King Håkon to harry in the realm of the Danish king".⁸⁷ After the chieftains of Satiri in Scotland had submitted to the king in 1263, the king sent letters to those who had harried the area, ordering them to stop, and it is related that when they heard this "they greatly disliked it".⁸⁸ We saw above that it could be necessary for the king to

anxious to see the election of the "war candidates" as kings in 1204 and 1207 (*Bs* 12, 26), cf. Lunden 1976, pp. 163–64.

⁸⁵ "Vfallit er goðum buanda-sonum [...] at beriaz við bugogn buanda eða kerollid eða við aðra bus buluti hoga þat eða meiða þo at firir yðr standi. er yðr þar engi snilld eða framkemð. en hinum ugagn er eigu" (*Svs* 133). This resulted in the warning just cited above.

⁸⁶ The king often activated the shared norms of the warrior retinue, contrasting the loyalty of the retainers with the fear shown by peasants (*Svs* 16, 49, 163, *HsH* 126, 148, 224, 267, 288). *Egils saga* gives a good example of this mentality in its account of Egil's ravaging of Kurland and Denmark (*Eg* 46–47). Arnved Nedkvitne and Johan Rygg describe the pre-state culture as a warrior culture (Arnved Nedkvitne, "Det religiøse middeldermennesket", in A. Eidsfeldt et al. (ed.), *Holmgang: Om formoderne samfunn. Festskrift til Kåre Lunden*, Oslo 2000(b), p. 244; Johan Anton Rønneberg Rygg, *Fra spontanitet og voldsglede til selvkontroll og avsky for vold? En mentalitetshistorisk studie i voldsforståelse på det forstatlige Island og i det statlige Norge, ca. 1180–1300*, unpublished degree thesis in history, Oslo 1997, pp. 50, 95–102). As late as in *Hákonar saga*, however, harrying and plunder were something the poets described in high-flown language (cf. the chapter on kings and peasants, pp. 278–80).

⁸⁷ "fysandi Hákon kong at heria j rike Danakongs" (*HsH* 293).

⁸⁸ "líkadí þeim þat storilla" (*HsH* 321), see also *HsH* 320.

make outright threats to avoid having his retainers break truce and plunder against his orders.

The retainers, however, were not always so implacably disposed towards the king's opponents. When it was occasionally necessary for the king to appeal to his men not to show mercy to the enemy, it was because the retainers could have good grounds for being conciliatory to them.

Sverris saga gives a rare glimpse showing that antagonism between the two sides was not necessarily so strong. Shortly after the battle of Nordnes in 1181, described as “one of the toughest clashes in the civil war”,⁸⁹ Sverre and Magnus met to negotiate a settlement in Nidaros. The saga says that when “people said they would be glad if there could be peace”,⁹⁰ and the reason for this became evident when the armies sat down and drank beer together: “for even though they served in two armies, many of them were kinsmen or related by marriage or had been friends before.”⁹¹ The episode suggests that there were other dividing lines than those based on factions that were important for the retainers.

Personal connections no doubt often coincided with faction borders, but they could also cross faction boundaries. Retainers could have friends and kinsmen in the opposing army, which made them less inclined to fight, as the previous example showed. After the battles of Fimreite and Strindfjorden, the saga says that the Birkibeinar gave quarter to their friends and kinsmen in the defeated army.⁹² Also, retainers could have personal enemies on the other side who made them all the more implacable. In 1202 the Birkibeinar expressed an aversion to “taking a father's or a brother's killer and giving him quarter and a place on the thwart beside us”.⁹³ The same was repeated in 1227,⁹⁴ and in the aftermath of the battle of Oslo in 1240 King Håkon was afraid that the Birkibeinar would break the church peace in order to capture “those whom they felt they had most conflicts with”.⁹⁵

⁸⁹ Helle 1974, p. 84.

⁹⁰ “qvaðuz þvi fegnir verða ef friþaðiz” (*Svs* 60).

⁹¹ “þo at þeir væri i tvennum floccum. þa varo þeir margir frendr eða magar eða hofðu fyr verit vinir” (*Svs* 60).

⁹² *Svs* 93, 159.

⁹³ “taka fodur-bana edr brodur-bana sína ok gefa grid ok skipa síþan i haalfrymi hia oss” (*Svs* 179).

⁹⁴ *HsH* 156.

⁹⁵ “þeim [...] er þickiazt mestar sakir vid eiga” (*HsH* 237).

The sagas occasionally give insight into how important this personal dimension was compared to affiliation to a faction. After Skule Bårdsson had assumed the title of king and gone to East Norway in the winter of 1240 it is said that Earl Knut's men caught one of Skule's scouts and brought him to the earl, probably because they hoped that he could reveal something of Skule's plans. Yet he never got that far, for among Knut's men "there was one man who had a case against him, and he chopped off his head".⁹⁶ Another of Skule's men who was captured was rather more fortunate, for he had his son-in-law among the opponents. When he complained to him that he lacked clothes, he was permitted to ask his companions to hand over his clothes. He seized this opportunity to escape and join them again.⁹⁷ The different treatment of the two Várbelgir is clear evidence that ties of friendship and kinship could be just as important as the faction to which one belonged, when the two allegiances crossed.⁹⁸

Even the *Hirðskrá* acknowledged that it could be a problem when personal friendship and enmity crossed faction boundaries, and a solution to this was sought. If a man gave quarter to his father or brother, this truce was initially to be respected. But if the king or the other hirdmen opposed it, the man in question would nevertheless be given safe conduct to get away, "unless he has done something either against the king himself or against retainers which makes it obvious that the men cannot have him in the hird".⁹⁹

The king's more contextual basis for plunder and truce

The discussion above has revealed a dichotomy between the king's mainly absolute and the retainers' more contextual basis for plundering and proclaiming truce. The question is, however, to what extent the king had the potential and the interest to ensure that plunder and truce were practised on an absolute basis. There is reason to assume

⁹⁶ "þar var sa madr fyrir, er sakir atti vid hann, og giordi hann halshogguinn" (*HsH* 217). *Heimskringla* has an episode reminiscent of this (*HHard* 72). Traces of such internal feuds can be seen in *HsH* 102, 157.

⁹⁷ *HsH* 217.

⁹⁸ The difference between the two episodes can also be interpreted to mean that the magnates as a class stuck together across faction boundaries. It was probably easier for magnates than for ordinary peasants to win respect when they proclaimed a truce. In this case, however, we know nothing about the affiliation of the scout who was killed.

⁹⁹ "nema hann have þau vært gort annat huart til konongs sialfs eða handgenginna manna er sua se openber at monnum se ei havande hann innan hirðar" (*H* 53).

that he had more in common with the retainers than has hitherto emerged, partly because it was difficult in practice to go against them, partly because they shared many of the same values.

In the first part of this chapter I showed that the kings, before a battle, often appealed to their men's private motives of revenge to get them to fight. In the same way, the kings had to go out of their way to satisfy the retainers' desire to acquire property and honour through plunder and to give quarter to their friends and kinsmen. We saw in the previous section that Sverre and Håkon threatened the retainers with punishment if they did not heed his ban on plunder.¹⁰⁰ The effect of such warnings is uncertain, however. Before the expedition against Sogn in 1184, Sverre said that it was virtually impossible to prevent the army from pillaging, even if he forbade it: "Many of you have behaved badly when I have forbidden it and vowed to punish you with life and limb for it."¹⁰¹ His failure to discipline the Birkibeinar was further accentuated by the way they stormed off without heeding his instructions. *Sverris saga* openly recorded the ravages of the Birkibeinar. Archbishop Øystein accused Sverre's *sýslumenn* of robbing the peasants.¹⁰² This was scarcely just a partial comment from a hostile churchman, for not even Sverre and his men concealed that they had a reputation for plundering.¹⁰³ Another episode from the saga may illustrate indirectly how difficult it was in general for the king to try to go against the material interests of the army. When the Birkibeinar were attacked by the Heklungar in Nidaros in 1179, Sverre instructed his men to withdraw with nothing but their weapons, and he later said that "he was proudest of the fact that the men parted so well from the ships and what they owned".¹⁰⁴ It was clearly regarded as out of the ordinary that the king's retainers risked their own property in fighting other factions.¹⁰⁵

Hákonar saga Hákonarsonar emphasizes Håkon's success in disciplining the army after he had a "guest" (a *gestr* in the hird) killed in 1226, but

¹⁰⁰ *Svs* 133, *HsH* 147.

¹⁰¹ "margir fara þa uspacliga er ec bana oc ek leg við lif þeira oc limar" (*Svs* 82).

¹⁰² *Svs* 117.

¹⁰³ *Svs* 27, 96, cf. statements by Magnus (*Svs* 40, 53) and Nikolas (*Svs* 131).

¹⁰⁴ "eigi myndu morg dœmi til þes vera at flotta-menn hefði sva sciliz við fiar-lut sinn eða scip" (*Svs* 33).

¹⁰⁵ Cf. note 83 on the material motives of the army. In this case the risk may nevertheless have been smaller than the saga explicitly suggests. Knut Arstad believes that the Birkibeinar can scarcely have been taken by surprise, as the saga tells, but that they may have reached an agreement with the townsmen about collaborating against the Heklungar (*Svs* 33).

there is reason to doubt whether Håkon achieved such unconditional support for his view as the saga claims here. On other occasions the saga gives indirect testimony that Håkon in practice turned a blind eye to plunder more often than his statements might suggest. After protracted but fruitless negotiations with the king of Scotland in 1263, most of the men urged Håkon to break the truce and plunder, and the reason for this emerged from the following: "For the army was very short of food."¹⁰⁶ The saga was careful to point out the king's desire for peace, yet the result was nevertheless that "all truces were at an end".¹⁰⁷ The soldiers had to have something to live on, and on campaigns it must have been common that food was obtained by force. The laws did rule that *leiðangsmenn* should bring food along on expeditions, and that in emergencies they could confiscate a certain amount of food from peasants.¹⁰⁸ But this is probably euphemistic. The laws indicate that plundering did occur in Norway.¹⁰⁹ Anything else would be surprising. It was not until the seventeenth and eighteenth centuries that the practice of armies being responsible for acquiring their subsistence on campaign was replaced by more planned provision.¹¹⁰

When it comes to the practice of giving quarter, there were also clear restrictions on how far the king could go against his retainers. We have previously seen some examples showing that personal ties could cut across armies. The king did not always succeed in convincing his men that their duty to the army took priority over their personal bonds. In 1181 Magnus Erlingsson threatened the Birkibeinn Öyolv that he would kill his father, Avle, if he did not switch to his side.¹¹¹ When Sverre heard about this, he wrote a letter to Magnus which said: "If you, King Magnus, cause any harm or injury to Avle, I will kill Eiliv

¹⁰⁶ "herrinn hafði miög vistasatt" (*HsH* 322).

¹⁰⁷ "var þa lokid ollum gridvm" (*HsH* 323).

¹⁰⁸ *G* 303, *ML* III 9, 13.

¹⁰⁹ The detailed rules in the old Gulathing law about *þoptugjöld* (a fine for peasants who did not prevent the building of ships for raiding) indicate that it was not unusual for peasants to be plundered from the sea (*G* 314). In the national law the rules on *þoptugjöld* are included in abbreviated form, which suggests that it still occurred, but not as often (*ML* III 18).

¹¹⁰ Charles Tilly, *Coercion, Capital, and European States AD 990–1992*, Cambridge 1992, pp. 161–91.

¹¹¹ *Sks* 45. Cod AM 327 and Skálholtsbók differ in their accounts of whom Magnus aimed his threats at. The former manuscript says that Magnus tried to make Avle his retainer by threatening to kill his son, while the latter says that Magnus tried to make Öyolv his retainer by threatening to kill his father.

Eplestang and Skuda-Eirik and Eindride Slandre. For their sons are there with you.”¹¹² Sverre’s answer enraged Magnus, but he gained little understanding from his men. After they had calmed him down, they received his assurance that “the lives of their kinsmen would not be endangered”.¹¹³ This exchange shows not just that kings were willing to use family vengeance as an instrument of political power, but also illustrates the limits of army allegiance. A king who demanded that the army should come before personal attachments could not gain much of a hearing for this among his retainers.

Before the battle at Strindfjorden in 1199, Sverre announced that no quarter should be given without his consent.¹¹⁴ After the battle, the Birkibeinar gave quarter to their friends and kinsmen, and the king’s only chance of winning support for his decision was to encourage his men to avenge themselves on as many opponents as possible.¹¹⁵

Håkon seems to have grappled with many of the same problems in achieving respect for his views as Sverre did. At the settlement with the Ribbungar in 1227, as at the agreement with the Baglar a quarter of a century before, a general truce was proclaimed without any objections from the Birkibeinar being mentioned. After the settlement, however, it is added that “those Ribbungar who could not expect any quarter escaped from Norway to Marker”.¹¹⁶ The Ribbungar who fled scarcely did so because they feared that the king would break the truce. The likely reason was that they reckoned that some of the Birkibeinar had such strong personal grounds for wanting them dead that they would not respect the king’s truce.¹¹⁷ So even if the kings could impose general settlements with the opposing army, they could not force everyone to observe them.

If the retainers were allowed to practise contextually based plunder and truce, it was no doubt because the king was unable to curb them. Yet this is not the whole explanation. The retainers’ wishes were not always contrary to the king’s own goals. On the contrary, there is reason to

¹¹² “Ef þu Magnus konungr gerir Hafla mein eða grand, þa skal drepa Eilif eplastong, Scudu-Eiric oc Eindriða slandra fyrir þui at synir þeira ero þar með yðr” (*Svs* 45).

¹¹³ “eigi vilja hætta lifi feðra sinna” (*Svs* 45).

¹¹⁴ *Svs* 159.

¹¹⁵ *Svs* 159.

¹¹⁶ “þeir Ribbungar, er ser væntu ongra grida, stucku or Norege aa Markir” (*HsH* 156).

¹¹⁷ *HsH* 156.

believe that the kings in practice were much closer to the retainers in their preferences than they were in theory.

The function of plundering will be considered in more detail in the chapter about the king and the peasants, but here I will briefly mention two aspects of plundering that may help to explain why the king was not so negatively disposed to the activity in practice as in principle. Firstly, the king was dependent on supplies, and to avoid overtaxing the centre, plundering the periphery was an important source of income. Secondly, plundering did not just have the effect of lessening the king's control by increasing opposition to him, but could also help to strengthen it. For the king's mastery was not only based on voluntary support, but also on fear, and the threat of plundering could play an important part in this.

The difference between the king's absolute truces (giving quarter to everyone or no one) and the retainers' contextual truces (depending on personal relationships) was not necessarily as sharp when it came to practice. After the battle of Fimreite, Sverre urged the Birkibeinar to "remember to observe the truce that we have promised to those who asked for quarter".¹¹⁸ He evidently did not find it problematic that his men gave quarter to the opponents, probably because his motives for proclaiming a truce were not so different from those of the retainers. This is clear when the Kuflungar in 1187 surrounded the Birkibeinar in the castle in Nidaros, where they threatened the leader of the Birkibeinar, Torstein Kugad, that they would kill Sverre's uncle if Torstein did not surrender.¹¹⁹ One necessary condition for this to be perceived as a threat at all was that Sverre valued his uncle's life more than control over the castle. When Torstein yielded, and there is no mention of any objections from Sverre, it also suggests that Sverre put his kinsmen before the interests of the faction, as the Kuflungar had assumed he would. When Torstein was threatened ten years later that his own farm would be burned down if he did not surrender the castle, however, he was uncertain as to whether Sverre would accept this, for he then changed allegiance to the opponents.¹²⁰ Sacrificing control over a castle for the king's kinsman was all right, but not for a kinsman of his own.

¹¹⁸ "hallda vel grið vár við þa men alla er til griða hafa gengit við os" (*Svs* 94).

¹¹⁹ *Svs* 108.

¹²⁰ *Svs* 137, cf. a similar story about Sverting in *Bs* 30.

I referred above to Håkon's fear that the Birkibeinar would not observe the church peace after the battle of Oslo in 1240.¹²¹ Immediately before this, however, the saga says that "[m]any Birkibeinar ran into acquaintances, but some received no quarter, although they asked for it; and some would not accept quarter, even though it was offered to them".¹²² The remarkable thing here is not that the Birkibeinar went round the battlefield granting quarter to their friends and killing their enemies, but that Håkon does not seem to have made any attempt to follow up his role of *rex iustus* by intervening in these personally motivated revenge killings and settlements.

This personal, contextual basis for conflicts and conflict resolution cannot be dismissed as isolated exceptions or departures from the "official" and absolute foundation for conflict, based on opposing factions, that the sagas are most anxious to present. On the contrary, there are several reasons for assuming that such personal motives were much more common than the sagas imply.

First of all, the authors of the sagas stated explicitly that they were only interested in events in which the king was involved.¹²³ We therefore cannot expect the sagas to relate personally motivated conflicts, unless they involved the king or had significant consequences for the action. This implies, however, that the absence of such conflicts from the sagas cannot be interpreted to show that they did not really occur.

The other reason why the personal aspect of conflicts is often omitted from the sagas has to do with the fact that attachments of kinship and friendship could not just be perceived as irrelevant in the kings' sagas, but also as direct threats to the king's power. Such attachments were, in principle, incompatible with a hierarchical and centralized society, and it was therefore crucial for the king to weaken these ties if he hoped to exert more power in society. This incompatibility was more palpable for Håkon than for Sverre. As a *rex iustus*, King Håkon was supposed

¹²¹ *HsH* 237.

¹²² "Margir Birkibeinar kendu þar kuningia sína, ok fengu sumir eigi grid, þott bæði, en sumir villdu eigi þiggja, þott bodinn væri" (*HsH* 236). Further concrete examples of this are given in what follows (236–37). The saga also tells about acquaintances in the previous battle at Låka (217). The same is mentioned after the battles of Fimreite and Strindfjorden (*Svs* 93, 95, 159). The fact that hirdmen gave quarter to their acquaintances may also lie behind Magnus Erlingsson's implacable attitude to truces (*Svs* 32, 47, 62).

¹²³ *Svs* 71, 163, *HsH* 82, *ME* 11.

to show that he was elevated high above his retainers by not acting for private motives, but righteously administering law and justice; it was the character of the offence and not his personal relationship to the offender that was decisive for his judgement.¹²⁴ The king was fully entitled to punish or chastise those who broke the law. Castigation was not a vengeful reaction to personal violation but a punishment for a crime, and—unlike vengeance—there was a royal monopoly on this.¹²⁵ One of the most important goals of the *rex iustus* ideal was to put an end to private feuding. In Håkon Håkonsson's "new law" of 1260 kin vengeance was made into an offence that could not be resolved by fines (*úbótamál*), and this was described as one of King Håkon's great achievements in the epilogue to his saga.¹²⁶

The changed attitude to revenge inevitably had consequences for the way revenge under royal auspices was presented in the sagas. *Sverris saga* openly depicted Sverre's desire for revenge as the main reason for his struggle against Magnus Erlingsson.¹²⁷ Sverre is thus portrayed like any other offended magnate, primarily seeking personal redress. In *Hákonar saga Hákonarsonar* revenge no longer figures among the king's motives for becoming king or defeating his opponents. Here it was Håkon's greater right to be king, based on blood and a divine call, that was crucial for his actions.¹²⁸

There are nevertheless several indications that not even Håkon was above seeking revenge on occasion. To begin with, he is not always portrayed as being opposed to revenge in principle. We have already seen that he considered it legitimate to appeal to his men's thirst for revenge before battle. The saga also indicated that the king achieved revenge on an occasion when the author of the saga camouflaged the king's part in the action.¹²⁹

¹²⁴ This ideal was enshrined in *Konungs skuggsjá*, and it is particularly clear from the comparison of a kingless land with crop failure (KS 50–55 (102–11)). Cf. pp. 66–68 on the ideal of the *rex iustus*.

¹²⁵ Steinar Imsen, "Straff, Norge", *KLNM* XXI, cols. 318–20.

¹²⁶ *MD* 100–1. The national law abolished the payment of compensation to a slain man's kindred (*ML* IV 12, 16); *HsH* 332.

¹²⁷ *Svs* 4, 16. Arne Odd Johnsen argued that kin vengeance became less common during the twelfth century, with a possible "Indian summer" for the practice in the course of the century (Johnsen 1948, pp. 76–84).

¹²⁸ *HsH* 12, 91–97, cf. Bagge 1996, pp. 94–106.

¹²⁹ Two of Skule's men who had assaulted a supporter of the king were killed, probably on the king's order; but this is not explicitly stated (*HsH* 193, cf. Orning 1994, p. 61).

But the episode that says most about how little the king differed from others when it came to exacting revenge occurred when Skule Bårdsson wanted to avenge himself on the peasants of Follo for having killed the *sýslumaðr* Ragnvald Hallkjellsson in 1221. Håkon refused to become involved, not because he was opposed to vengeance in principle, but because he himself had no personal obligations to Ragnvald.¹³⁰ This is an astounding statement from a king whose *sýslumaðr* had been killed! It was obviously a matter of minor importance that the murdered man had been his representative. The paramount concern was that it was a confrontation based on personal connections.

There was, however, one arena where the king's motive for revenge was depicted more openly, and this was when the events took place abroad. Here it was still legitimate for the king to seek satisfaction in the form of revenge. Sverre Bagge points out that the expedition to Scotland in 1263 is portrayed as a just war,¹³¹ but in concrete terms the expeditions to both Vermland and Scotland were explained with reference to Håkon's desire for revenge, not punishment.¹³² This corresponds to the saga's attitude to plundering: we have seen that no attempts were made to conceal this when it happened outside Norway. This suggests that the mentality of revenge was still intact as a way to legitimize actions, and that this mentality had not disappeared from *Hákonar saga Hákonarsonar*; it had merely been banished from internal affairs. The reason why the avenging king vanished from the saga probably has more to do with ideological factors than with social practice.

With the ideology of the *rex iustus* the king had an instrument with which to raise himself above and attack the legitimacy of personal ties as constituents of the political sphere. Now it was concern for the benefit of the kingdom, and not for the individual's personal honour, that was supposed to be the foundation for government by the king and his agents. The introduction of this ideology, however, should not be confused with its general acceptance, which probably evolved very slowly, not only among the people but also as regards the king in his practical action. The personal basis for conflicts and conflict resolution runs like a strong undercurrent through the sagas, only surfacing

¹³⁰ *HsH* 70, cf. Rygg 1997, p. 117. Rygg thinks that Skule was portrayed as someone who *wanted* to use force (p. 134).

¹³¹ Bagge 2001b, pp. 288–89.

¹³² *HsH* 107, 108, and 111 *vis-à-vis* the king of Sweden, 259 about the king of Sweden *vis-à-vis* Håkon, 317 *vis-à-vis* the king of Scotland, cf. Bagge, 1996 pp. 139–43.

occasionally. If such conflicts are not reported more often, it is probably due to the idealizing focus on the kings in the kings' sagas, and does not mean that personal motives were not significant for the struggles waged between the factions.

Conclusion

The analysis of the relationship between king and retainers has shown that, on an ideological level, they had different attitudes to support, plunder, and truce in connection with battles and expeditions. The king, ideally, had a predominantly absolute relationship to plunder and truce, which meant that things had to be done on a universal basis, with everyone or no one being harried or given quarter. The background to this should be sought in an ideology with a strict distinction between war and peace, and between enemies and friends. The retainers, by contrast, had a more contextual attitude to these activities. It was personal attachment that was crucial for their attitude to plunder and truce. Harrying was primarily perceived as a source of personal glory and riches, while truces were steered by their personal friendships and enmities.

This difference between king and retainers, however, was much less in practice than in theory. This can be explained in part by the king's dependence on his retainers, which was so great that he usually had to appeal to their interests. The king not only had limited ability to prevent retainers from plundering on campaigns and giving quarter to their friends; it was not always in his interest to try to counteract this. This was because the king in practice shared retainers' norms to a much greater extent than he ought to have done according to the royal ideology. The king's dependence on his retainers was thus not necessarily regarded as a restriction or a problem from the king's point of view.

It is easy to spot the differences between *Sverris saga* and *Hákonar saga Hákonarsonar* in the descriptions of support, plunder, and truce. Whereas Sverre had to appeal for support before battles and expeditions, Hákon seems to have achieved this without exerting himself. Sverre and the Birkibeinar, according to *Sverris saga*, were constantly plundering, and this could happen both in accordance with and against Sverre's will, while Hákon was in principle against plundering, and simultaneously achieved greater acceptance for his prohibition of plundering. Finally,

Sverre, unlike Håkon, seems to have proclaimed truces and plundered for personal reasons. An analysis of the kings' actions, however, weakens this contrast. Håkon too had to appeal to his men in order to gain their support before battles and expeditions, and like Sverre he had problems in managing plundering and truces on an absolute basis. There is reason to believe that the kings in this period largely shared their retainers' norms about plunder as an acceptable way to acquire property and honour, and that truces could legitimately be granted to kinsmen and friends, and denied to personal enemies.

It is therefore also likely that the difference between Sverre and Håkon was due more to ideology than to real historical circumstances. This is most obvious in connection with the king's attitude to revenge. Whereas Sverre could seek vengeance for personal reasons, this possibility was denied to Håkon. The saga leaves no doubt, however, that personal motivation for conflicts still played a dominant role in Håkon's reign, with his reaction to the killing of Ragnvald Hallkjellsson as the prime example. The ties between the king and his *sýslumenn* could evidently be very weak compared to ties based on friendship and kinship.

The fact that this difference between Sverre and Håkon was ideological more than real does not mean, however, that it lacks significance. Ideology is a result of practice but it also affects practice. It is no coincidence that the *rex iustus* ideology had a stronger impact under Håkon than under Sverre. Like the first breakthrough of this ideology under Magnus Erlingsson, this must be seen as an expression of the upper class being more assembled around the state-building project than before. Nor is there any doubt that the material circumstances, with a considerable concentration of landed property in the hands of the church, the crown, and the secular aristocracy, ensured that this unity of the upper class would have major consequences for the way the rules of the political game were drawn up. This did indeed happen in the long term.

But even if the royal ideology, especially in combination with the material conditions, laid the foundation for the development of the state, it was hardly the case that this development had sudden and far-reaching consequences for the conduct of politics. Institutions can be established by a single stroke, and imported ideologies can quickly be formulated in writing, but the actual understanding of the rules of the political game and of how conflicts are resolved does not change at the same rate as ideologies and institutions. The reduction in internal conflicts under King Håkon, and the virtual silence about them after

1240, therefore cannot be automatically interpreted as an indication that the king had won backing for an absolute view of loyalty, or that the *understanding* of conflicts had changed dramatically.

Even if the king in some respects had to go a long way to achieve his retainers' support, it was nevertheless rare that outright conflict arose between the two sides. This must be viewed in the light of their strong interest in standing united in situations where an external enemy threatened. The king's almost permanent presence among the retainers has its counterpart in the fact that he was rarely unpredictable in his exercise of power *vis-à-vis* this group. It was only necessary in exceptional cases for the king to take drastic measures to ensure the subordination of his retainers. We have seen that he could threaten to subject them to hard terms (*afarkostr*), but that normally remained nothing but a threat.

Sverris saga, however, recounts an episode in which open conflict arose between Sverre and his retainers, and where unpredictability played a key part in the king's exercise of power. The episode occurred, typically enough, after external opposition had been overcome. After a victory over the Baglar in 1197, the Birkibeinar were about to divide the booty, and Sverre then demanded to buy the confiscated ships and equipment for a price that was obviously too low. When he heard that the Birkibeinar did not respect this, the saga says that he ran towards them, weapon in hand: "most of them ran aside and threw away what they had in their hands, for they saw that the king was angry."¹³³ The incident ended with the king having his way, but without his surprising outburst of anger it is uncertain whether this would have happened. This type of open confrontation was much more common in the king's relationship to magnates and peasants, as will be seen in the following chapters. They demonstrate a more vulnerable royal dominance, in which unpredictability played a major part in achieving the submission of the other side.

¹³³ "let ganga flestir stucku undan oc kastaðo niðr því er a helldo fyrir því at þeir sa at konungr var reiðr" (*Szs* 136).

CHAPTER TWO

THE RELATIONSHIP BETWEEN THE KING AND THE MAGNATES

Introduction

In the previous chapter we studied a group of men who followed the king closely. The king's virtually permanent presence among his retainers meant that disagreement took on the character of a tug-of-war rather than an open confrontation, and unpredictability played a minor part in the king's exercise of power. Things are different when we come to the king's relationship to the magnates who did not reside at his court. In this introduction I shall describe the magnates as a group and the character of their confrontations with the king, before I go on to analyse these confrontations with their preludes and sequels.

Magnates differ from retainers in that they did not normally attend the king, and they differ from the peasants by virtue of their high status, marked by the way they are mentioned individually, and not as a collective. They are nevertheless a heterogeneous group, and no distinction will be made between supporters and opponents of the king, or between non-resident hirdmen and magnates with no connection to the hird, between secular and clerical magnates, or between native and foreign magnates. The reason why I want to group such different people together is that it is the practical and personal aspect of their relationship to the king that is central.

If I do not distinguish between the king's opponents and supporters it is because the crucial factor deciding whether a person was perceived as disloyal to the king in the kings' sagas was not whether he was part of an opposing faction, but that there was a personal bond between the king and the magnate. The kings' sagas have no examples of opposing parties being accused of disloyalty.¹ People who joined opposing

¹ Before the battle of Strindfjorden in 1199, King Sverre said that the Birkibeinar would find "many among the Baglar today who have broken their oath and outraged the king, and they will all pay dear". The oath referred to was probably not the peasants' oath, for in that case he ought to have said "all" the Baglar (*Svs* 159). The same type

factions were described as disloyal only if they had previously sworn a personal oath to the king. According to *Sverris saga*, Nikolas Arnesson was always on the side of the Heklungar, and the same applied to Jon Hallkjellsson until 1183. They were never referred to then as unfaithful to Sverre, and it was only after they had sworn allegiance to King Sverre that they were called disloyal.² In line with this, magnates were likewise not described as disloyal to the king if they had terminated their relationship with him in advance. Nikolas Arnesson was accused by the Birkibeinar of disloyalty when they met him the first time after he had broken his oath to Sverre and gone over to the Baglar.³ Yet he was not called disloyal in the following twenty years, when he acted as leader of the Baglar, with one exception.⁴ The same tendency prevails for Skule Bårdsson. Terms of disloyalty were used about him until he assumed the title of king in 1239, but after this his behaviour was not characterized as disloyal.⁵

Secondly, being attached to the hird was not a requirement for the relationship between king and magnate to be described as one of loyalty, because secular magnates not belonging to the hird could also be called disloyal. Olav jarlsmåg, one of those responsible for the Eyjarskeggjar uprising, was urged beforehand by King Sverre not to be disloyal to him, although he was not a member of the hird. The crucial thing was that a personal relationship was established in that Olav had spent a long time near the king.⁶

of reference to what was probably a personal bond can be found in Torstein Kugad's description of the Baglar as "the scoundrels who had sworn loyalty to you" (*Svs* 153). When Skule was accused of being a scoundrel (*níðingr*) in 1240, the charge concerned only him (*HS* 229). The sagas report negative descriptions of opposing factions, but then it was not loyalty that was the crucial factor.

² *Svs* 123, 78. The leader of the Ribbungar, Knut Håkonsson, was not called disloyal until he attacked the Birkibeinar after having asked for a truce (*HS* 155).

³ *Svs* 131.

⁴ The exception was when he was supposed to act as a mediator between the Birkibeinar and the Baglar in 1208 (*Bs* 35). A person who offered to mediate was, as a rule, someone who thought that he was equally close to both parties. The Birkibeinar would scarcely have agreed with that.

⁵ References to Skule as disloyal in *HS* 54, 124, 143, 174, 177, 229.

⁶ *Svs* 118. Sverre's demand for loyalty may have been based on the fact that Olav was from the Orkneys, which paid tribute to the king of Norway, or that he was the son-in-law of Harald, who was Sverre's earl in the Orkneys. This does not seem likely, however, as the most important function of the episode was to illustrate Sverre's wisdom by showing how close he came to revealing that Olav was secretly protecting the Eyjarskeggjar candidate for king. In *Orkeyinga saga*, which admittedly has a shorter version of these events, there is no mention of this episode or of any other bond

Thirdly, clerical magnates were not exempt from showing loyalty to the king in practice. Nikolas Arnesson occupies a special position because he probably swore the oath of allegiance to the king after he had become bishop.⁷ Loyalty to the king, however, was also considered relevant during the earlier discussion of whether he should be appointed bishop.⁸ Terms of loyalty were also used about the relationship of other clerics to the king.⁹ In practice their relationship to the king was flexible and varied.

Finally, no distinction will be made between native and foreign magnates, or between magnates who resided within or outside the realm of the Norwegian king. First of all, this distinction between home and abroad could be vague. The earl of Orkney, Harald Maddadsson, and the king of the Hebrides, Jon Dungadsson, were formally delegated authority by the king of Norway to rule their respective territories, but in practice the relationship was more fluid, partly because of variable supervision on the part of Norwegian kings, partly also because the king of Scotland claimed these territories.¹⁰ Moreover, being attached to the hird was a personal bond independent of boundaries. This is most evident in connection with the Icelandic magnates who were part of the king's hird although Iceland was not formally subject to the king. I shall return to this in the fourth chapter of this part.

What the magnates have in common is that their real relationship to the king cannot be equated with their formal relationship to him. This does not mean that I would ignore the significance of institutional ties and individual differences between magnates. Attachment to the hird was undoubtedly of great significance for establishing a relationship of

between Sverre and Olav (*Orkneyingasaga*, transl. G. Indrebø, *Norrøne bokverk* 25, Oslo 1929, ch. 112).

⁷ *Svs* 123.

⁸ *Svs* 111.

⁹ This applied to Archbishop Peter (*HsH* 131, 143, 147), the bishops of Hamar, Stavanger, and Skálholt (*HsH* 3, 60, 282), and priests and other clergy (*Svs* 145, 160, *HsH* 291).

¹⁰ On the Hebrides: R. Andrew McDonald, *Scotland's Western Seaboard. c. 1100–c. 1336*, East Linton 1997; Edward J. Cowan, "Norwegian Sunset—Scottish Dawn: Hakon IV and Alexander III", in N. H. Reid (ed.), *Scotland in the Reign of Alexander III*, Edinburgh 1990, pp. 103–31. On the Orkneys: William, P. L. Thomson, *History of Orkney*, Edinburgh 1987; Barbara Crawford, *The Earls of Orkney-Caithness and their Relations with Norway and Scotland, 1158–1470*, St. Andrews 1971; Randi Bjørshol Wærdahl, *Skatland og kongemakt 1262–1350*, unpublished degree thesis in history, Trondheim 1998; Steinar Imsen, "Earldom and Kingdom: Orkney in the Realm of Norway 1195–1379", *HT* 2 2000(b), pp. 163–80.

loyalty between king and magnates, but even magnates outside the hird were accused of disloyalty to the king. The difference in status between powerful earls and more inferior royal officials was significant yet not crucial for whether the relationship was described as one of loyalty. Differences of this kind will be considered as we proceed.

The decisive point in this study is the normally large physical distance of the magnates from the king. The question is what consequences this had for the relationship of loyalty between king and magnates. If what was perceived as loyalty in the king's presence differed radically from what was perceived as loyalty in his absence, then loyalty must be characterized as decidedly contextual. If what was perceived as loyalty to the king was relatively independent of whether the king was present, on the other hand, then loyalty can be perceived as more absolute. If so, the difference between magnates and retainers would seem minimal.

When terms for loyalty were used about the relationship between king and magnates, it happened in situations with a completely different dramatic character from those involving the king's conflicts with his retainers. Conflict situations can be divided into three main groups which are not always sharply distinguished: changing sides, attempts at mediation, and breaches of laws or obligations to the king.

The most serious accusations of disloyally changing sides, and the ones described in most detail in the contemporary kings' sagas, were levelled against Nikolas Arnesson and Skule Bårdsson. In 1194 Sverre called Nikolas "drottins-svica oc land-raða-man" for his participation in the Eyjarskeggjar uprising, and there were other times when he was accused of disloyalty to Sverre.¹¹ On several occasions before 1239 Skule was described as unfaithful to the king, but the most serious accusations came in Håkon's speech before the battle of Oslo in 1240, when he accused Skule of having "niddiz" (behaved like a scoundrel) both against his own innocent officials and against himself, because he had tried to kill them by every means.¹² Accusations of disloyalty for changing sides were also brought against the magnates Jon Hallkjellsson, Olav jarlsmåg, the Orkney earl Harald Maddadsson, and Torstein Kugad

¹¹ *Svs* 123. See also *Svs* 111, 131 and *Bs* 35 for accusations against Nikolas for changing sides.

¹² *HsH* 229. See also the charges of disloyalty levelled against Skule, note 5.

in *Sverris saga*,¹³ and against the kings of the western isles, Duggal and Dungad, and Jon, the son of the latter, in *Hákonar saga Hákonarsonar*.¹⁴ Two factors in their change of sides may have exacerbated the charge of disloyalty. Firstly, it looks as if a particularly dim view was taken when people changed sides in secret. This was an argument used against Skule Bårdsson and Olav jarlsmåg.¹⁵ Secondly, frequent changes of side were criticized. It is said about Jon Hallkjellsson that he broke his oath of allegiance to King Sverre three times in the course of a battle, and the aim of this information was probably to underline Jon's unreliability *vis-à-vis* the king.¹⁶ Torstein Kugad was also accused of changing sides all the time.¹⁷

Unlike changing sides, disloyalty in the form of attempts at mediation did not mean that a magnate had defected to the opponents, but only that he had supported them in a way that was perceived as unsuitable. It is not always easy to distinguish mediation attempts from changing sides, but a comparison of the accusations against Nikolas Arnesson in connection with the Eyjarskeggjar and the Ribbungar risings can illuminate this. In the former case Nikolas was blamed for having planned the rising, whereas in the latter instance he was only accused of not having displayed "allr trunadr" (full loyalty) towards the king, probably because he had tried to mediate between the Ribbungar and the Birkibeinar.¹⁸ Archbishop Peter of Husastad and Earl Skule were also accused of disloyalty because they had mediated when they called a truce between the Ribbungar and the Birkibeinar.¹⁹

Finally, charges of disloyalty were levelled against magnates who had broken laws or obligations to the king. It is not always easy to distinguish between offences against formal laws and breaches of less formal norms, but a strict distinction is not essential in this context. For the sake of simplicity, this category will be called breach of the law below. In 1240 King Håkon accused the magnates Gregorius Andresson and

¹³ *Svs* 78 (Jon), 118 (Olav), 125 (Earl Harald), 153 (Torstein).

¹⁴ *HsH* 163, 166–67 (Duggal and Dungad), 319–20 (Jon).

¹⁵ *HsH* 229, *Svs* 118. The sagas tell how resistance was secretly planned before most uprisings. The Eyjarskeggjar: Olav (*Svs* 118), Nikolas (123); the Baglar: the men of Viken (129); the Ribbungar: Gudolv (*HsH* 58), the peasants of Hedmark (126), the Várbelgir: Skule (207, 229).

¹⁶ *Svs* 78.

¹⁷ *Svs* 153.

¹⁸ *HsH* 133, 138.

¹⁹ *HsH* 143, 147.

Snorri Sturluson of having left the country without his leave,²⁰ and Skule was perceived as disloyal in 1233 because he had done large-scale shipbuilding.²¹ Charges of disloyalty were also occasioned by suggestions to kill the king, as Reidulv Bårdsbror, the hirdmen Hide and Sigurd, and Skule Bårdsson were accused of,²² while Andres Skjaldarband was charged with disloyalty by killing a king's man.²³ Finally, the Icelandic magnates were accused of disloyalty in that they supported the king's cause half-heartedly when they were sent as his representatives to Iceland.²⁴ They will be treated in a separate section at the end of the chapter on the magnates.

The tendency in the saga material is that accusations of disloyalty, from having concerned changing sides (all the references in *Sverris saga*, fewer in *Hákonar saga Hákonarsonar*) gradually began to concern milder forms of disloyalty such as attempts at mediation and breaches of the law (all the references are from *Hákonar saga Hákonarsonar*). Hákon had no opposing factions inside Norway after 1240, when opposition to him moved abroad. This may mean that the magnates' disloyalty gradually became less of a problem for the king (milder forms of disloyalty in *Hákonar saga Hákonarsonar*), and that the king demanded more unswerving loyalty of the magnates (more accusations of breach of the law in *Hákonar saga Hákonarsonar*). The result is that the century from Sverre's first struggles to Hákon's death seem like a period of strengthened royal power.

There is no doubt that Hákon was a stronger king than Sverre had been. The question here, however, is whether this should be interpreted as an indication that the norms associated with loyalty and submission had changed as much. If we limit the study of loyalty to concern only the frequency of disloyalty and the nature of the king's demand for allegiance, we risk capturing only the ideal, royal perspective on what constituted disloyalty. One indication that the sagas were partial towards the king comes from the fact that only changes from the king's side to the opponents were referred to as disloyalty, whereas changing sides

²⁰ *HsH* 237, 244. The Scottish knight Missel also tried to leave without the king's permission in 1247 (*HsH* 307).

²¹ *HsH* 174, cf. previous mentions of suspected shipbuilding in connection with the struggle against the Ribbungar (*HsH* 132–35).

²² *HsH* 7 (Hide), 50 (Reidulv), 160 (Sigurd), 229 (Skule).

²³ *HsH* 72–73.

²⁴ *HsH* 276, 297.

in favour of the king is not described in such negative terms.²⁵ In this study I shall try to get beyond the ideological perspective by means of two methods: by focusing on the structure of the conflicts more than on their content, and by performing a qualitative rather than a quantitative analysis.

An objection against focusing only on the theme of the conflicts is that the disappearance of opposing factions, and hence changes of side, cannot be equated with the king imposing his own understanding of loyalty. The crucial thing for the way loyalty was perceived is not so much the subject of the conflicts as the way in which they were resolved.²⁶ To make the structure or pattern of the conflicts as clear as possible, I shall not follow up the division into change of side, support of opponents, and breaches of the law in the rest of this part, but will analyse conflicts about loyalty together. I shall nevertheless return to the aspect of change in the summary at the end of each chapter.

Another objection to a thematic approach to the conflicts is that this does not say much about how the king's accusations of disloyalty were perceived by those accused. Magnates may have had a completely different view of the conflicts from the king's. To find out how they perceived the accusations requires a detailed analysis of situations where charges of disloyalty were made. That is what this part will be about. The main question is whether, and to what extent, royal demands of loyalty were accepted among the magnates.

The essential condition for loyalty to the king to be considered as a social norm is that breaches of allegiance represented deviations in both a normative sense (the action was condemned), and in a statistical sense (the action was unusual and unexpected). The normative aspect will be treated in the analysis of the actual conflict situations where the demands were made. The aim here is to find out what kind of perceptions the different parties had of the matter. If the king's accusations of disloyalty have a legal foundation, there may be reason to assume that the accusations did not come as a total surprise to magnates, and that the king's exercise of power was consequently based on relatively predictable criteria. But if the magnates disagreed with or failed to

²⁵ See for example the contrast between the previously mentioned changes of side to the opponents of the Birkibeinar and the defection of Erling Rumstav and Åsolv jarlsfrende in the opposite direction, which are described in neutral terms (*HsH* 149, 194).

²⁶ Cf. pp. 116–18.

understand the king's charges against them for having been disloyal to him, this would indicate a more unpredictable exercise of power by the king.

The statistical aspect of disloyalty will not be investigated quantitatively. There is little reason to believe that the detailed descriptions of confrontations in the kings' sagas are representative of the relationship between king and magnates, partly because most encounters between the king and the magnates must have been a great deal more peaceful than on these occasions, partly because the magnates in question here were of unusually high status. Lack of representativeness is no obstacle here, however, because the theme is how the conflicts were perceived and resolved, and not how widespread such conflicts were. Rather than viewing the conflicts as representative of the magnates' relationship to the king, I shall assume that they clarify clashes of interest which concerned this relationship more generally, as I explained in the methodological discussion in the introduction.

Instead of starting from the question of representativeness, the statistical aspect of loyalty will be discussed by putting the individual conflict situations into a broader time span, where the question is how typical or atypical the demands in the confrontations were. This will first be analysed in terms of the actors' expectations before the situation, where I study how unexpected the so-called "disloyal" actions were perceived to be. I will then assess the confrontations in relation to what the actors did after the situation, investigating to what extent the king's demand for loyalty was heeded or enforced. The extension of the chronological perspective makes it possible to assess how important the king's presence was for the subordination he achieved. If the king's demands in the situation were unexpected, this indicates that he based his exercise of power to a large extent on his physical presence. But if the demands for loyalty were the same regardless of whether the king was present or absent, this shows that royal control was less dependent on the king's presence.

In the following section I shall analyse the actual situations where accusations of disloyalty were made, before I devote the subsequent two sections to what happened before and afterwards. This will involve some repetition, since it can be tricky to separate the prelude, the confrontation itself, and the aftermath. I have nevertheless chosen this approach because it gives the best opportunity of analysing the different phases and aspects of the conflicts. As before, I make a distinction between

an ideological and a practical perspective, linked to an absolute and a contextual understanding of loyalty.

1. *Loyalty in the Confrontations*

The ideological perspective: the just king forgives a repentant offender

In the part about ideal subordination I showed how submission to God served as a forerunner and a model for submission to the king in the high medieval royal ideology. The king's overall aim was to ensure peace, and his chief task was to maintain law and justice with the law code as his standard. In the following I shall take one step further and investigate how conflicts between the king and the magnates were perceived in an ideological perspective, from a juridical point of view and from a more religious understanding of the conflicts.

In Christian doctrine, the origin of all conflicts lay in man's inherent sinful nature. The only way to salvation was to acknowledge this openly, to repent one's sins, and to pray that God in his mercy would show forgiveness. Asking God for forgiveness, according to the American historian Geoffrey Koziol, served as a model and pattern for secular conflict resolution in France in the Early Middle Ages and some time into the High Middle Ages.²⁷ The typical feature was that one party submitted to the other by displaying humility, whereupon the other showed mercy by forgiving the penitent's sins. This supplication was based on a vertical relationship between the parties, and it differed from courts through its non-judicial and voluntary character.²⁸ Much of this pattern recurs in Norwegian normative sources from the thirteenth century. *Konungs skuggsiá* emphasizes that the king should judge fairly and also be prepared to forgive a repentant offender.²⁹ In the laws the king's right to show mercy is formalized through his entitlement to grant the criminal permission to remain in the country.³⁰ In the following I shall

²⁷ Geoffrey Koziol, *Begging Pardon and Favour: Ritual and Political Order in Early Medieval France*, Ithaca and London 1992, pp. 8–9, 23, 47, 77–78.

²⁸ Koziol 1992, p. 16; Althoff 1997, esp. pp. 99–125 on *deditio*. Cf. Bull 1912, pp. 89–90, on supplication in a Christian context.

²⁹ Cf. ideal subordination, pp. 88–89; Bagge 1987, pp. 23, 53–54.

³⁰ *ML* IV 2, 4, 6, 20. Banishment is also found in the old Frostating law (*FI* 5, III 21, III 24), cf. Helle 1974, p. 187; Johan Agerholt, "Landsvistbrev", *KLNM* X, cols. 297–98.

look more closely at how the kings' sagas portray conflicts between the king and magnates from this ideological perspective. The conflicts are divided into three phases: accusation, submission, and resolution.

First phase: the king's accusation

The contemporary kings' sagas recount a number of situations where the king's accusations of disloyalty are clearly stated. After the Eyjarskeggjar uprising in 1193–94, Bishop Nikolas was charged with disloyalty for his participation in the rebel army. Sverre summoned Nikolas to a meeting where he said that he had found out that Nikolas was behind the treachery (“svicræði”) of the Eyjarskeggjar against him.³¹ He promised him a harsh punishment (“horðum afar-costum”) for this, and accused him of betraying his lord and his country (“drottins-svica oc land-raða-man”).³²

Earl Harald was likewise accused of disloyalty in connection with the Eyjarskeggjar uprising. Sverre had planned to send an army to the Orkneys to punish them for their treachery (“svicræði”) against him,³³ for the Eyjarskeggjar army had been raised in the Orkneys.³⁴ Earl Harald accepted the charge on behalf of the men of Orkney, and in the following year he met the king in Bergen. Sverre brought a case against Harald for *hervigi* (“slaughter”) in Norway, because he had supported the Eyjarskeggjar.³⁵

In the last year of Nikolas Arnesson's life, 1225, the saga says twice that King Håkon found letters which showed that he not had displayed full loyalty (“allr trunadr”) towards him, and he accused him of this.³⁶ The saga does not specify what the charge concerned, but it probably had to do with his attempt to mediate between the Birkibeinar and the Ribbungar.³⁷ This becomes clearer when Archbishop Peter of Husastad

³¹ *SzS* 123. The betrayals “hofðu fyrst upp komit undan tungu-rotum byscups.”

³² *SzS* 123.

³³ *SzS* 124.

³⁴ *SzS* 119.

³⁵ *SzS* 125.

³⁶ “honum þotti eigi allr trunadr aa vera af byskupi til sin.” Cf. the almost identical wording in *HsH* 133: “kongi þotti eigi allr trunadr halldin við sic af byskupi” (*HsH* 138).

³⁷ *HsH* 48, 67, 83–84. Koht believes that there is no evidence for Nikolas's involvement with the Ribbungar (*Norsk Biografisk Leksikon* X, p. 103), while Lunde argues in favour of this (Gudbjørg Helene Lunde, *Nikolas Arnesson*, unpublished degree thesis in history, Oslo 1970, pp. 74–77).

and Skule Bårdsson were accused of disloyalty the following year, for there it was their stipulated reconciliation that Håkon reacted to.³⁸

In 1233 Skule was summoned to meet the king because he had built ships and undertaken other things that many people “assessed as disloyalty to the king” (“virdu til utrúleika við kong”).³⁹ When they met, the king made accusations and reproaches against the earl, and these were repeated by the king himself and his vassals at the court, without any exact specification of the accusations.⁴⁰ In 1240 Håkon charged him with the villainous deed of slaying king’s men and attempting to kill the king without first proclaiming a termination of the peace.⁴¹ Several other magnates were accused of attempted murder of the king on other occasions.⁴² In 1240 Gregorius Andresson and Snorri Sturluson were accused of having left Norway without the king’s leave.⁴³

When Håkon, in the last year of his life, came to the western isles with a big fleet, he was told that the king of the Hebrides, Jon Dungadsson, had “switched his loyalty and turned to the king of the Scots”.⁴⁴ King Håkon was allegedly so astonished at this that he refused to believe it, and when Jon came to him, he asked him to follow him, “as was his duty.”⁴⁵

What these episodes have in common is that the king accused magnates of treachery or disloyalty. In all the cases he seems to have acted in accordance with the laws. According to the old Gulathing law it was betrayal and high treason if a man supported another army against the king, as Nikolas, Harald, and Jon were accused of doing,⁴⁶ and the Frostating law and the national law made this into the most serious crime in the whole law code.⁴⁷ Mediation and suggesting a settlement were probably also regarded as supporting the enemy.⁴⁸ Attempted murder

³⁸ *HsH* 142–43.

³⁹ *HsH* 174.

⁴⁰ *HsH* 177.

⁴¹ *HsH* 229.

⁴² This applied to Hide (*HsH* 7), Reidulv (50), Andres (73), and Sigurd (160).

⁴³ *HsH* 237, 244.

⁴⁴ *HsH* 319.

⁴⁵ *HsH* 320, Codex Frisianus 573 (“fylgja ser sem hann var skylldr til”).

⁴⁶ *G* 312.

⁴⁷ *F* IV 4, *ML* 44.

⁴⁸ This is unclear in connection with Nikolas in 1225, but clearer in the case of Peter and Skule the following year, when Håkon said that “God and not bishops shall decide between Sigurd and me” (*HsH* 143).

of the king or his men for no reason was an offence that could not be atoned for through fines (*úbótamál*), as the saga direct or indirectly shows in the cases in question here.⁴⁹ Skule's shipbuilding may have come within the law on *þoptugjöld*,⁵⁰ and the prohibition on hirdmen leaving the country without the king's permission was established in the later *Hirðskrá*.⁵¹

The judicial element is explicit when Sverre brought a case against Earl Harald, and Håkon against Skule in 1233. In the other cases, however, no court case is mentioned, and on several occasions the legal aspect of the magnates' disloyalty is peripheral. The charges against Nikolas in 1225 are not specified, and in the case against Skule in 1233 the actual breach of the law seems to have been less important than the fact that he was pursuing "enterprises which his enemies were very suspicious of".⁵² This might suggest that the most important thing about a magnate's disloyalty was not the judicial aspect; we shall return to this in connection with the practical perspective. In any case, there is nothing to contradict the view that the king was perfectly entitled to accuse magnates of disloyalty.

The second phase: the magnates' submission

Several of the kings' accusations, for various reasons, did not end in open confrontation with magnates, and some of the episodes are described too briefly to allow us to say anything about the course of the conflicts. In cases where confrontation was the result, the magnates who were accused by the king of disloyalty were not always willing to submit to him. Håkon had problems obtaining submission from Skule in 1233 and from Jon Dungadsson in 1263.⁵³ The reason for the magnates' recalcitrance in these cases was probably that the king found it difficult to assert himself as the most powerful man in the area.⁵⁴

⁴⁹ The innocence of the victims is mentioned in connection with Reidulv and Skule (*HsH* 50, 229). In the other cases it is stated that the victims had not done anything to deserve being killed (*HsH* 7, 72, 160).

⁵⁰ *G* 314, *ML* III 18.

⁵¹ *H* 20, 34. There was a similar prohibition for travelling merchants as well (*F* II 27).

⁵² "þau tiltæki, er hans ouinir drogu miog grunn aa ok virdu til otruleika við kong" (*HsH* 174). *HsH* 133, 138 on Nikolas.

⁵³ *HsH* 177, 320.

⁵⁴ Skule was a real challenger to the king, while Jon had a supporter in the king of Scotland, who was at least as strong as King Håkon. A concrete expression of this is that Jon received a larger fief from the Scottish king than from Håkon (*HsH* 320).

In the other confrontations the magnates ended up by submitting to the king's will, and it is these cases that I shall emphasize in the following. During the case against Earl Harald in 1195, the earl ended his speech by saying: "I place everything in God's hands and yours, lord."⁵⁵ Nikolas likewise submitted unconditionally when he was accused of disloyalty in 1194 and in 1225.⁵⁶ So too did Jon Hallkjellsson, Torstein Kugad, and Scottish chieftains in 1263.⁵⁷

Compared with the conflicts that Koziol refers to as supplication in France, the conflicts in the kings' sagas are described more briefly and do not have the same ritual character. We nevertheless find some of the same elements in the Norwegian examples. Firstly, the magnates' submission was twice accompanied by the demand that they fall at the king's feet without an outer garment. The magnate Torstein Kugad showed his submission to Sverre in this way in 1199,⁵⁸ and at the meeting between Håkon and Skule in 1233, Gunnar kongsfrende demanded that Skule do the same.⁵⁹ This was a common ritual in the liturgy, known as *prostratio*.⁶⁰ *Konungs skuggsiá* devotes close attention to this ritual prostration as a way for a man to show the king "that he is ready for service."⁶¹ This was also how Torstein Kugad interpreted the ritual, for he said, after receiving the king's forgiveness: "Never again shall I fail to serve you."⁶² When the son in *Konungs skuggsiá* had to have the ritual explained, this indicates it was something new in Norway.⁶³ Much of the novelty lay in the fact that it expressed a very strict subordination. The strictness is underlined in Skule's case by the circumstance that

⁵⁵ "leg ec alt a guðs valld oc yðart hera" (*Svs* 125).

⁵⁶ *Svs* 123, *HsH* 133, 138.

⁵⁷ Jon Hallkjellsson (*Svs* 78), Torstein Kugad (*Svs* 153), and Scottish chieftains in 1263 (*HsH* 320–22).

⁵⁸ *Svs* 153.

⁵⁹ *HsH* 177.

⁶⁰ Hilding Johansson, "Prostratio", *KLNM* XIII, col. 509. Cf. e.g. *DN* VI 3 (1190–92), where Archbishop Eirik writes to the pope: "we throw ourselves at Your Holiness's feet and bear our complaints to your ears, humbly begging you to listen to those who present the matter." (*Querelam itaque nostram, pedibus vestre sanctitatis advoluti, auribus vestris inferimus, suppliciter deprecantes, ut narrantibus benignus indulgeatur auditus.*)

⁶¹ "at hann er buinn til þionosto" (*KS* 47).

⁶² "alldri scal ec sidan skioplaz i yðari þionustu" (*Svs* 153).

⁶³ *KS* 47.

this is the only time in the kings' sagas when *lýðni* was demanded of an individual magnate, and by the fact that Skule refused.⁶⁴

Secondly, repentance was mentioned as a part of the submission. When Earl Harald commended himself to Sverre in 1195, the king interpreted it to mean that he repented and admitted his guilt: "now the earl has come here, as you can see, and he regrets what he has done against me; he is asking for mercy."⁶⁵ It seems likely that Nikolas too displayed remorse when he came to the king to ask for mercy in 1194 and 1225.⁶⁶ The term for repentance or remorse—*iðran*—is crucial in *The Homily Book*. By showing repentance, people expressed their humility and confessed their guilt to God: "repentance washes away what he did and [has the result that he] does not repeat the wrong he did".⁶⁷ In *Konungs skuggsiá* repentance is extended from people's relationship to God to apply to the king as well.⁶⁸ The term *iðran* is uncommon in the kings' sagas, and apart from Earl Harald's submission in 1195 it is used only about the king's man Andres Skjaldarband, who, after having killed another king's man in 1221, went to King Håkon and "greatly repented his deed".⁶⁹ Repentance shown by magnates brought a religious and unilateral dimension into these conflicts, reminiscent of the way of approaching God.

Thirdly, royal wrath was an element in these clashes. Earl Harald said, when he submitted to Sverre in 1195: "I have incurred the anger [*reiði*] of my lord, King Sverre".⁷⁰ Anger is not mentioned in King Sverre's conflict with Nikolas the year before, but the way the matter was settled indicates that anger may have been a factor here too.⁷¹ The king's wrath, *ira regis*, was an important part of the *rex iustus* ideal,

⁶⁴ *HsH* 177, cf. table 2.3 in the part about ideal subordination. It may be tempting to interpret Sturla's version of the episode as being influenced by the account in *Konungs skuggsiá*. When the latter places such emphasis on honouring the king by removing outer garments before meeting him, it may have been because the author knew of the episode from 1233.

⁶⁵ "En nu er Jarl her comin sem þer meguð sia oc iþraz nu þes sama er hann hefir af gert við os. Biðr nu miskunnar" (*Svs* 125).

⁶⁶ *Svs* 123, *HsH* 133, 138.

⁶⁷ "þvær af með iðran þat er hann gerði ok gerer þat æigi oftar er hann misgerði" (*Hb* 10 (26))

⁶⁸ See especially *KS* 106–7, 116–21.

⁶⁹ "iðradiz þessa verks" (*HsH* 73). *Iðran* is also used just a few times in *Heimskringla* (*OT* 48, *OH* 155, 186, 226, *Ms* 31).

⁷⁰ "Nu er nyr vandi til handa borin reiði mins herra Sverris konungs" (*Svs* 125).

⁷¹ *Sverris saga* tells how Sverre dismissed Nikolas's insistence on his innocence, saying that "it was useless, he knew the truth" (*Svs* 123).

where the administration of justice was a royal responsibility, and his anger afflicted those who broke the law.⁷² The king's justified anger was closely connected to the wrath that God and kings displayed in the Old Testament against those who had broken God's commandments.⁷³ This is also reflected in Old Norse sources. God's righteous anger has a central position in *The Homily Book* and in *Konungs skuggsiá*.⁷⁴ In the latter, the king also reacted constantly with righteous anger, with a clear distinction being made between the king's sudden anger and his justified anger; only the latter was legitimate.⁷⁵

The concept of righteous anger meant that a distinction was made between, on the one hand, the anger of God and the king, and on the other hand ordinary people's anger. It was only God and the king who had a legitimate right to act out of righteous anger, whereas ordinary people's anger was made into a cardinal sin.⁷⁶ Anger led people to lose their self-control, and their inherent vices were given free rein, which

⁷² *Ira regis*, according to Gerd Althoff, was an important part of the royal ideology in the Holy Roman Empire in the twelfth and thirteenth centuries. Whereas royal anger in the Carolingian period had been presented as a negative opposite of the virtue of *clementia*, it acquired a positive sense, with the increasing emphasis on *iustitia*, as a reaction to injustice (Gerd Althoff, "Prolegomena to a History of Royal Anger", in Rosenwein 1998, pp. 64–74). Paul Hyams has criticized Althoff for exaggerating the change in the twelfth century, arguing that *ira regis* was a part of the royal ideology throughout the Middle Ages (Paul Hyams, "What Did Henry III of England Think in Bed and in French about Kingship and Anger?", in Rosenwein 1998, pp. 100, 104).

⁷³ J. E. A. Jolliffe, *Angevin Kingship*, London 1955, pp. 85–86; Richard E. Barton, "'Zealous Anger' and the Renegotiation of Aristocratic Relationships in Eleventh- and Twelfth-century France", in Rosenwein 1998, p. 159, on the transfer from God to the king; Koziol 1992, pp. 8–9, 23, 47, 84–86.

⁷⁴ *Hb* 36, 74, 88, 100, 101, 147, 153, 157. Occasionally *gramr* is used of anger. In *Konungs skuggsiá* God's righteous anger is central to the whole section 77–100. The wrath of God is mentioned in *Svs* 69 and *HsH* 258, clerical anger in *HsH* 18, 215, 302. On the clerical view of anger, see Lester K. Little, "Anger in Monastic Curses", in Rosenwein 1998, pp. 9–35, and Catherine Peyreux, "Gertrude's *furor*: Reading Anger in an Early Medieval Saint's *Life*", in Rosenwein 1998, pp. 36–55.

⁷⁵ *KS* 105–6. There was nevertheless an admission that sudden anger *could* be righteous. Saul was the example showing that it normally was not so (*KS* 111–12).

⁷⁶ The cardinal sins are listed in *Hb* 23, 27 (Alcuin), *KS* 67, *H* 28. *The Homily Book* condemned ordinary people's anger in no uncertain terms (27), but anger was not always included in the catalogue of mortal sins (*Hb* 35, 87–88). The difference between the people's anger and royal anger in *Konungs skuggsiá* consisted in the fact that the king had a legitimate right to display anger (cf. above), partly because he was wiser and consequently more righteous than others, as was evident when other people than the king became angry (e.g. *KS* 69–70). *Konungs skuggsiá* was nevertheless not always opposed in principle to anger, but it also had a pragmatic explanation for why anger should be avoided, namely, that it seldom paid to act in anger (*KS* 5, 66, cf. *H* 20).

could only lead to chaos and anarchy.⁷⁷ The distinction between the king's and ordinary people's anger thus helped to legitimate the king's exercise of power, in that his intervention was necessary to keep people in awe. The king's anger was linked to his reaction to breaches of the law by subjects, but the king was also allowed, in the name of justice, to waive ordinary norms, at home in connection with cleansing the land of outlaws and fighting legitimate battles,⁷⁸ abroad by waging just wars.⁷⁹

The anger incurred by Earl Harald from King Sverre in 1195 can be interpreted as "righteous" in that it was a reaction to his breach of the law. By supporting the Eyjarskeggjar, Harald and the men of Orkney had betrayed Sverre, and for this they deserved his righteous anger and punishment. The "righteous" aspect of the king's wrath emerges even more clearly in connection with King Håkon. His anger was directed at several men, where it was specified that it was a consequence of their breaking the law. A man called Roald incurred the king's anger because he had done "acts of violence", and Órækja Snorrason because he had gone to Iceland together with his father against the king's command and leave.⁸⁰ In addition, many poems record the king's anger against Ribbungar and Vermlanders.⁸¹

The third phase: the king's mercy

The magnates' submission paved the way for the king's forgiveness. None of the confrontations ended with the parties remaining enemies. The most common form for the resolution of conflicts was that the king gave *gríð*. The sagas record how a number of magnates—Jon Hallkjellsson, Torstein Kugad, Einar kongsmåg, Dagfinn bonde, Roe Hallkjellsson, Abbot Björn, Jon Dungadsson, and Scottish chieftains—were granted

⁷⁷ Cf. the image of dearth in *Konungs skuggsið*, where anger was one of the signs (*KS* 53).

⁷⁸ On the concept of "refsa til landreinsanar oc friðar", see ideal subordination, p. 75. *Konungs skuggsið* gives the following instructions on legitimate killing: "You shall [...] avoid all manslaughter, except as just punishment or in proper battles. But in ordinary battle when your rightful lord commands you, you shall not shirk from killing any more than any other deed that you know is good and right" (*KS* 59), cf. Alexander's decree cited under ideal subordination, p. 66.

⁷⁹ Bagge 2001b, pp. 288–89.

⁸⁰ *HsH* 195, 244.

⁸¹ *HsH* 66, 75, 117, 150.

a truce by the king.⁸² Truce was used here in a vertical sense; seeking a truce meant accepting submission to the person who granted it.⁸³

Like *gríð*, the term *sett* or *sátt* (settlement) can refer to both vertical and horizontal relationships. The kings gave *sett* to Eirik Sigurdsson, Knut Hákonsson, and Erling Rumstav,⁸⁴ which implied their submission. It was only Hákon's conflict with Skule in 1233 that was resolved by entering into an initially horizontal *sett*, but its vertical character is clear from the way it was formulated "as the king pleased".⁸⁵

There are many instances of the terms *miskunn* (mercy, forgiveness) and *fyrirgefa* (forgive) being used about the king's clemency towards magnates.⁸⁶ Most of the cases concern opposing factions who surrendered to the king, but the sagas record four episodes where the king showed mercy or forgiveness to magnates: Sverre forgave Archbishop Øystein (and they forgave each other) in 1188, Earl Harald received King Sverre's forgiveness in 1195, King Hákon forgave Bishop Nikolas in 1225, and Skule refused to ask for Hákon's mercy in 1233.⁸⁷

The king never refused mercy to those who asked for it, in the same way as when someone asked for a truce. Talking of Earl Harald, Sverre pointed out that "he asks for mercy [*miskunn*], and I will give it to him".⁸⁸ When Nikolas asked for mercy (*vegð*) the year before, there is no mention of Sverre having granted it, but it is implicit from the result, which was that Nikolas subsequently remained with Sverre as

⁸² *Svs* 77 and 78, 153, *Bs* 15, 33, *HsH* 160, 225, 321 and 322, 326–27. In addition, Olav Mok was given quarter by the Ribbungar and Sigurd Ribbung by Skule (*HsH* 104, 84). Nikolas was offered a truce in 1197 but did not come (*Svs* 136).

⁸³ *Ordbok, Glossarium: gríð* (cf. p. 126).

⁸⁴ *Svs* 59, *HsH* 147, 149.

⁸⁵ "eþtír þui, sem konginum likadi" (*HsH* 177). It was only Skule who "selldu [...] festu til" the agreements (177). In addition, Olav Kvitaskald says in his poem that Skule "placed his whole case in the hands of the king", and that he "received" *sett* (177). See also *HsH* 97, 185–88, 222 on the *sett* between Skule and Hákon.

⁸⁶ *Miskunn* is most common, used more often in *Hákonar saga Hákonarsonar* than in *Sverris saga* (39 versus 13 times). *Fyrirgefa* is less common, but more frequent in *Sverris saga* than *Hákonar saga Hákonarsonar* (7 versus 2 times). Terms like *náð*, *milldi*, and *vegð* are hardly used at all.

⁸⁷ *Svs* 107, 125, *HsH* 138, 177. In addition we read several times that Sverre asked God to forgive his enemies (*Svs* 38, 80, 98, 180).

⁸⁸ "Biðr nu miskunnar oc hana vil ec veita honom" (*Svs* 125).

his good friend.⁸⁹ It is said of King Håkon that he forgave Nikolas for the sake of God, and because Nikolas was at death's door.⁹⁰

Mercy was a central concept in spiritual contexts. *Miskunn* and *fyrirgefá* are often used about God in the kings' sagas.⁹¹ In *The Homily Book* God's mercy was the key to the process of salvation, because people's sinful nature made it a necessary condition for getting to Heaven. One condition for receiving God's mercy was a display of repentance: "Show repentance, so that you may approach the kingdom of heaven."⁹²

In *Konungs skuggsiá* this model was extended to the secular sphere. With examples from the Old Testament, repentance was held up as a premise for receiving the king's forgiveness.⁹³ The granting of royal mercy was portrayed as a selfless display of grace, in that the accused, despite his guilt, was spared punishment, with the king acting vicariously for God on earth. This corresponds to Geoffrey Koziol's account of supplication, where the condition for receiving a lord's mercy was submission and total self-humiliation, and where the lord, by granting mercy, showed himself like God.⁹⁴

Sverre's stated reason for pardoning Earl Harald in 1195 was that he himself might also need forgiveness. This was in keeping with the commandment in *The Homily Book* that it was necessary to forgive in order to be forgiven: "Blessed are the merciful, for mercy shall be shown unto them."⁹⁵ The difference, however, was that Sverre was not guilty in the face of other people, as Harald was, but in the face of God: "I may need the almighty God to show me greater mercy than I have deserved."⁹⁶ Sverre's submission to God was thus set up as a model for Harald's submission to Sverre. He thus achieved a double benefit: his subjects' relationship to him was seen to be extremely binding, and his own act of mercy seemed extremely generous.

⁸⁹ *Szs* 123. Sverre also declared his willingness to bring Nikolas out of the cold again in 1197, after the bishop had broken with him once again (*Szs* 136).

⁹⁰ *HsH* 138 (*fyrirgefá*). When Nikolas had previously asked for forgiveness the saga does not say whether he received it (*HsH* 133).

⁹¹ God's mercy (*miskunn*) occurs in 34 of 52 references in the contemporary kings' sagas, *fyrirgefá* in 4 of 9.

⁹² "Gere þer iðran. þvi at þat nolgasc himna riki" (*Hb* 11). See also *Hb* 10: "In hell [...] repentance does not help us to mercy [*miskunn*]."

⁹³ *Ks* 116–21.

⁹⁴ Koziol 1992, pp. 8–9, 77–78.

⁹⁵ *Hb* 5.

⁹⁶ "ec mvn þes þurfa af allzvalldanda gvði at hann miskunni mer" (*Szs* 125). See also a similar episode involving the Baglar (*Szs* 179).

In an ideological perspective, conflicts about loyalty between king and magnates can be interpreted as a parallel to the relationship between God and man. Loyalty was portrayed as absolute in terms of both its content (what constituted loyalty) and its form (disloyalty was punished). Disloyalty was a serious offence, and the only way to recompense for it was to submit to the king in genuine remorse and ask him to show mercy. Even though all these elements were not equally clearly present in all the conflicts described, the saga material, combined with normative sources and European parallels, indicates that this was one way in which the conflicts could be interpreted. This does not mean, however, that this was the *only* interpretation of these conflicts.

The kings' great willingness to show mercy and give quarter has led many scholars to conclude that they were unusually lenient, and some have viewed this clemency as an expression of personal greatness or a Christian disposition.⁹⁷ Before we accept this interpretation of the kings' lenience as an expression of their personal character, however, we should examine whether it can be explained by more general factors.⁹⁸ If clemency was something that most kings displayed, then it should not be explained in terms of the personal characteristics of individual kings, but in terms of the character of kingship.

Geoffrey Koziol makes an important comment on supplication as a ritual: "Even the kings satisfied themselves with a public show of humiliation and entirely sidestepped the more problematic issue of punishment."⁹⁹ One reason why kings contented themselves with ritual submission and avoided meting out punishment was that they were expected to show mercy to those who humbled themselves.¹⁰⁰ Yet this should also be seen in connection with what the ritual concerned: "To make a petition to the king in this context was to recognize the legitimacy of royal lordship—not its material power but its moral necessity, its *auctoritas*."¹⁰¹ Through the ritual, the king received confirmation for

⁹⁷ On Sverre, see Lien 1997, pp. 81–84, and Paasche 1966, pp. 193–97, 203, 211–16. On Håkon, see Rygg 1997, p. 129.

⁹⁸ Explanations based on general factors should be preferred to explanations based on individual characteristics (Kjeldstadli 1997, p. 34; Dahl 1976, pp. 22, 100, 109).

⁹⁹ Koziol 1992, p. 4. Cf. Emily Tabuteau: "Punishments on eleventh-century Normandy", in Brown and Górecki, pp. 131–50.

¹⁰⁰ Ibid, pp. 55–56, 95–99.

¹⁰¹ Ibid, p. 49. See also: "The formulas spoke to an ideal of political order, not the reality" (p. 48). Cf. Geoffrey Koziol, "England, France and the Problem of Sacrality in Twelfth-Century Ritual", in T. N. Bisson (ed.), *Cultures of Power: Lordship, Status, and Process in Twelfth-Century Europe*, Philadelphia 1995, pp. 124–25.

his legitimacy and authority. On the other hand, it can *not* be interpreted as an expression of what the relationship of power between king and magnates was like in general. Pablo Diaz and M. R. Valverde write about the function of royal rituals in the Iberian peninsula in the Early Middle Ages: “Ideologically, the king, through these manifestations, defended and demonstrated his supremacy over the rest of the nobles, but in practice he lacked the necessary resources to impose his authority in a stable way.”¹⁰²

If the submission of magnates in the confrontations primarily was a ritual which demonstrated their recognition of the king’s legitimacy, but which was not a true reflection of the underlying power relations, we must ask how magnates—as the king’s opponents in these situations—perceived such conflicts. This means that we must leave the ideological perspective behind, and turn to look at the practical perspective.

The practical perspective: an angry king threatens the magnates into submission

The practical perspective proceeds from the way people’s actions are described in the sagas. On the one hand, I attempt to reconstruct the perceptions of the kings’ opponents, the magnates. Since conflicts arose about loyalty, one may assume that there were alternative views of what loyalty to the king meant. On the other hand, the king’s perceptions will be analysed as well, as there are several reasons for not equating his view of loyalty with the absolute allegiance stipulated by the ideological perspective. To begin with, the ideological perspective was reconstructed on the basis of the saga accounts used as relics of perceptions of loyalty at the time when they were written down, and not when the events took place. Also, the kings were mostly far more pragmatic in their acts than in their words, which means that one cannot take the requirements of loyalty which they formulated as being synonymous with the requirements as they are demonstrated by their concrete actions.

¹⁰² Pablo Diaz and M. R. Valverde, “The Theoretical Strength and Practical Weakness of the Visigothic Monarchy of Toledo”, in F. Theuvs and J. L. Nelson (ed.), *Rituals of Power: From Late Antiquity to the Early Middle Ages*, Leiden 2000, p. 90. On the contrast between the king’s theoretical and practical mastery, see also Reuter 1991, pp. 205–7; Althoff 1998, p. 60. For Scandinavia, see Hermanson 2000, pp. 254–57, and Kåre Lunden, “Rett og realitet” (unpublished manuscript from 1988, p. 17, printed in *Forum Mediaevale* 1 1998).

I used the ritual of supplication above as a comparison for the conflicts between king and magnates. In the following I shall connect the confrontations to another means of resolving conflicts, self-judgement (*sjálfðæmi*). This has been extensively studied in connection with the Icelandic commonwealth. Feuds could be resolved by vengeance, court trial, and settlement, of which the latter was by far the most common.¹⁰³ The most widespread form of settlement consisted of arbitration, whereby one or more persons received a binding mandate from the parties to arrive at a decision. As arbitrators, either outsiders could be brought in, or one of the parties could be given self-judgement.¹⁰⁴ This resembled a court judgement in its vocabulary and in the way a verdict was pronounced. It differed crucially from a court judgement, however, in that the verdict was not pronounced on the basis of the law, but in expectation of a compromise solution with which both parties could be satisfied. Self-judgement was a more hierarchical way of resolving conflict than other forms of settlement, but the essential thing here is that it was social relations, and not judicial principles, that the verdict was based on.¹⁰⁵

On the surface, self-judgement resembles supplication in that one party leaves it to the other to pronounce a verdict on the matter, without this meaning that it can be regarded as a court case. The two rituals, however, have very different connotations. Whereas supplication alludes to a Christian's total and unconditional submission to God, self-judgement, despite the differences in power between the parties, has a distinctly reciprocal touch.

Even if arbitration and self-judgement in the Old Norse context are primarily known from kingless Iceland, this does not mean that Icelandic ways of resolving conflicts are irrelevant for societies governed by a king. Arbitration and self-judgement do not necessarily imply horizontal relations in stateless societies. According to Jón Viðar Sigurðsson, "the chieftains [*goðar*] replaced the king" in the way conflicts were settled in

¹⁰³ Byock 1988, pp. 103–36, 165–220; Miller 1990, pp. 179–300. Jón Viðar Sigurðsson has criticized Byock and Miller for underestimating the extent of arbitration in the resolution of conflicts (Jón Viðar Sigurðsson 1993, pp. 198, 229, 232).

¹⁰⁴ Jón Viðar Sigurðsson 1993, pp. 205–6.

¹⁰⁵ The context played a crucial part in this. If self-judgement was given to a friend, it was a sign of respect and a desire for continued friendship, whereas an enemy would interpret it more as an admission of the social distance between the parties (Miller 1990, pp. 284–89; Jón Viðar Sigurðsson 1993, p. 208).

the Icelandic commonwealth.¹⁰⁶ Arbitration and self-judgement were widespread social institutions in European kingdoms in the Middle Ages.¹⁰⁷ In the following I shall analyse confrontations between king and magnates as examples of self-judgement. I proceed from the same phases as used in the ideological perspective.

The first phase: magnates disagreed that they had been disloyal to the king

In the ideological perspective the first phase of the confrontation involved the king accusing magnates of having been disloyal to him. The episodes which are described in the sagas in sufficient detail to allow a reconstruction of the magnates' view of the matter indicate that they did not automatically share the king's perception.

Disagreement between king and magnates could concern what had actually happened. When Nikolas Arnesson was accused of high treason for his participation in the Eyjarskeggjar uprising in 1194, his alleged answer was: "The bishop denied it, said that it was not true."¹⁰⁸ Nikolas may very well have agreed with the king that taking part in opposing parties constituted high treason, but the crucial thing here is that he declared himself innocent in this.¹⁰⁹ Here we are in a situation with mutually exclusive statements from either side. Either Nikolas had taken part in the uprising or he had not.

It was more common, however, that disagreement between king and magnates was not so much about what had happened as about how it should be interpreted. When King Håkon and Earl Skule were to meet in Bergen in 1233 the king and his men several times levelled accusations and reproaches against the earl.¹¹⁰ Skule disagreed with the accusations, and the saga tells how he "spoke long and well and

¹⁰⁶ Jón Viðar Sigurðsson 1993, p. 232. In addition, he believes that the sagas often imply that the king was given self-judgement even though that term is not used, but he does not elaborate on this (p. 209).

¹⁰⁷ Fredric Cheyette and Stephen White has stressed the significance of settlement in France in the period up to the emergence of a relatively strong state power in the thirteenth century (Cheyette 1970, White 1978, White 1986). In the Holy Roman Empire, settlements and self-judgement were likewise important means of resolving conflicts in the early and high Middle Ages (Althoff 1990, pp. 197–203).

¹⁰⁸ "Byskup syniaði oc mælti imoti" (*Szs* 123).

¹⁰⁹ Halvdan Koht doubts that Nikolas took part in the Eyjarskeggjar uprising (*Norsk biografisk leksikon* X, p. 107), cf. also Lunde 1970, p. 59.

¹¹⁰ *HS* 177.

denied all the charges brought against him".¹¹¹ The difference from the first case is that it does not seem that the disagreement primarily concerned the actual events; the issue was how to interpret them. It is clear, first of all, that the theme of the conflicts seems to have been of minor significance. Skule's shipbuilding was named as one grievance before the meeting took place, but this quickly ended up in the background at the meeting, where only unspecified accusations were made against him.¹¹² These charges are described by the saga author Sturla as an effect of the royal vassals' "slanders and evil dealings".¹¹³ It was therefore scarcely the shipbuilding itself, but the thoughts behind it, that were crucial for whether it was perceived as disloyalty to the king. Secondly, the peripheral role of the issue is clear from the fact that, when Skule denied the king's accusation, the latter did not raise any new counter-arguments, but instead demanded that Skule should submit to him.¹¹⁴ The decisive way to establish whether Skule had been disloyal to the king was not to ascertain what he had been up to, but whether he was willing to submit to the king.

In the confrontation between Sverre and Earl Harald in 1195, the parties likewise disagreed about how disloyalty to the king should be understood. Sverre described Harald's support for the Eyjarskeggjar as "slaughter" (*hervígi*), and this was the basis of the accusation against him.¹¹⁵ Harald could agree to some extent with the king that he was not totally innocent of what had happened, but he nevertheless thought that he was "not so much to blame as people say".¹¹⁶ His objections to the king's accusation were of two kinds. Firstly, he pointed out that he had not taken the initiative to assemble the army: "It was not I who raised the war band."¹¹⁷ Secondly, he thought it was unreasonable to

¹¹¹ "taladi hann langt erende ok sniallt ok bar af ser allar sakir, þær sem honum voru kendar" (*HsH* 177).

¹¹² *HsH* 174, 177.

¹¹³ "rog ok vanda medalgongu" (*HsH* 177). According to *Hákonar saga Hákonarsonar* it was Hákon's and Skule's advisers who bore the main responsibility for the escalation of the conflict between the two men (*HsH* 21, 54, 85, 93, 174, 176, 177, 179, 181 and 189, 194 on the king's men; 183, 185, 195, and 198 on the earl's men). On incitement by anonymous third parties, see Orning 1994, pp. 64–68; Helle 1974, pp. 108–9; Lunden 1976, p. 198; Bagge 1996, pp. 210–11.

¹¹⁴ *HsH* 177.

¹¹⁵ *Svs* 125.

¹¹⁶ "ec em þar minna af valldr því mali en sva sem mer er kent" (*Svs* 125). Cf. Helge of Gulmaren in *Svs* 138 for a comparable view (more about this in the chapter about the king and the peasants).

¹¹⁷ "Eigi reð ec up-reist floccsins" (*Svs* 125).

demand that he should have actively opposed the formation of the army, his reason being: “I could not incur the hatred of all the people in the land when I am supposed to be earl over it.”¹¹⁸

Here Harald asserted a different view of the ruler’s role in society from that championed by Sverre. The subordinate in a relationship, in his opinion, had considerable scope for action with regard to loyalty to his superior. This applied on two levels: in the relationship between Sverre and him, and in the relationship between himself and the Orkney Islanders. Even if he was, as he claimed, strict in punishing wrong-doers, he nevertheless accepted that “the men of the Orkneys do not do everything according to my will”.¹¹⁹ Unlike Sverre, Harald tolerated passive resistance, and saw it as his task to lead the people, not to govern them. The implication was that Sverre should be just as tolerant to him as he was to his subordinates. Harald’s statement may well have been tactically motivated in this situation, but it is not untypical of his attitude to the king’s power. He lived in a time when Norwegian and Scottish kings were making it increasingly difficult for the people of the Orkneys to maintain their semi-independent position, and he displayed, in the words of the historian William Thomson, “considerable skill in avoiding the role of obedient vassal”.¹²⁰

The king of the Hebrides, Jon Dungadsson, likewise seems to have had little understanding for the charges brought against him by the Norwegian king. *Hákonar saga Hákonarsonar* said that “King Håkon refused to believe” the report that Jon had transferred his loyalty to Alexander III when he came to the Orkneys in 1263, and that he had plans to put pressure on him as he refused to break off his relations with the king of Scotland.¹²¹ Jon, however, considered it unproblematic

¹¹⁸ “eigi matta ec hataz við allan lyð þar i landi. meþan er ec scal þar iarl yfir vera” (*Svs* 125). It is not certain that Harald is telling the whole truth here. The saga can at least report that when the Eyjarskeggjar arrived in the Orkneys in 1193 he had given them a good reception and gifts, and allowed people to go with them, in addition to the fact that he had been a good friend of Magnus Erlingsson (*Svs* 119). Moreover, his son-in-law Olav was one of the leading men behind the uprising.

¹¹⁹ “eigi gera Orcneyingar allt eptir minum vilia” (*Svs* 125). The conflict also concerned representation. Harald had undertaken to plead the cause of the Orkney Islanders, but this does not mean that he considered their position identical to his. He did not deny that the Orkney men had offended against the king, but he felt that he could not be blamed for this. For Sverre, on the other hand, the guilt of the people and that of their leader were identical.

¹²⁰ Thomson 1987, p. 78.

¹²¹ *HS* 319–20.

to change sides. It was quite simply a result of the fact that “he held greater power from him [Alexander] than from the king of Norway”.¹²² He could therefore unabashedly ask the king himself “to make arrangements for the domain he had given him.”¹²³ For him a change of side was evidently more a technical than a moral matter. Moreover, he believed that it was possible to maintain relations with both kings, for he wanted to mediate between them. Whereas Håkon’s demand for loyalty meant that Jon’s support for him excluded support for anyone else, Jon felt that this was perfectly legitimate. Jon’s outlook emerges more clearly from Matthew Paris’s longer description of the meeting between Alexander and Jon (Ewen or Owen in Scottish sources) in *Chronica Majora*. Alexander II had demanded Jon’s full loyalty with the reasoning that “no man can serve two masters”.¹²⁴ To this Jon replied: “it was easy to serve two lords well, provided they were not hostile to each other.”¹²⁵

Jon’s form of opportunism was scarcely a result of a conscious “Machiavellian” attitude to politics as a game where the end justifies the means. It was rather due to a desire to be what Claude Lévi-Strauss calls a “bricoleur”.¹²⁶ This perception of loyalty can be described as decidedly contextual. What loyalty meant was not established once and for all, but determined by the context. The Scottish historian R. Andrew McDonald describes Jon’s attitude as “making the best of whatever situation presented itself.”¹²⁷ Before the mid-thirteenth century the Hebrides had a semi-autonomous status between the Norwegian and the Scottish king, where “divided allegiances had been a non-issue”, as had been the situation in the Orkneys until the end of the twelfth century.¹²⁸ Jon and Earl Harald operated in a time of transition, when they were increasingly being confronted with the kings’ demand for absolute loyalty, which was supposed to be constant in time and place, ruling out the possibility of supporting anyone but the king. Both King

¹²² “helld af honom meira riki enn Noregi konvungi” (*HsH* 320).

¹²³ “bað Hakon konvng gera rað fyrir því riki er hann hafði fengit honum” (*HsH* 320).

¹²⁴ *The Illustrated Chronicles of Matthew Paris*, ed. R. Vaughan, Cambridge 1993, p. 119. Quotation from Matthew 7, 24.

¹²⁵ Matthew Paris, p. 119, cf. McDonald 1997, pp. 100–1.

¹²⁶ Lévi-Strauss 1966, pp. 16–22, 35–37. Cf. note 17 in the introduction.

¹²⁷ McDonald 1997, p. 118.

¹²⁸ McDonald 1997, p. 117. On the position of the Hebrides: McDonald 1997, pp. 68–69. On the Orkneys: Thomson 1987, pp. 68–69, 77–78; Crawford 1971.

Alexander and King Håkon refused to accept that Jon had two masters.¹²⁹ It was not until this point in time that the traditional contextual view of loyalty was labelled disloyalty by the kings. The magnates' pragmatic stance indicated that they themselves were not automatically prepared to share this perception.

There was scarcely any essential difference between conditions in the tributary lands and those in mainland Norway as regards the view of loyalty towards the king. It was rather a matter of differences of degree in this, due to the greater distance of the tributary lands to the centre of the kingdom. In Norway too, it seems as if magnates did not find it much of a problem to have more than one lord, as long as the lords were not in conflict with each other.¹³⁰ When the *sýslumaðr* Gregorius Andresson left the country in the winter of 1237–38 and went to King Valdemar in Denmark, we are told that King Håkon found his move “somewhat strange”, because Gregorius had not asked in advance for permission to travel. He therefore wanted to test his loyalty before giving him “honour”.¹³¹ It is doubtful whether Gregorius himself saw anything wrong in his behaviour, for he probably thought that his ties to the king of Denmark were just as strong as those to the Norwegian king. His father Andres was brother of the Baglar king Filippus and had been a stubborn opponent of the Birkibeinar, but a friend and kinsman of the Danish king.¹³² As long as the two kings were not in conflict with each other, he probably viewed his double affiliation as unproblematic.¹³³

According to Jón Viðar Sigurðsson, an important reason for the escalation of conflict in Iceland in the thirteenth century was that the group of peasants with friendship to more than one chieftain (*beggja*

¹²⁹ Alexander promised Jon a bigger kingdom if he would “show full loyalty to him” (*HisH* 265, cf. Matthew Paris, pp. 119–20, McDonald 1997, pp. 101–2). Håkon likewise demanded Jon's full loyalty (*HisH* 320), but gave in and ended up replacing threats of torture with assurances of friendship (*HisH* 322).

¹³⁰ In the section on the prior history of the confrontations I shall return to occasions when magnates had friendships with lords who were in conflict with each other in connection with the attempts by Skule Bårdsson and Peter of Husastad to mediate between the Birkibeinar and the Ribbungar in the 1220s.

¹³¹ “nóckut vndarleg”, “sæmdum” (*HisH* 237).

¹³² *Bs* 46. Kinship was mentioned as a reason why Valdemar ought to support Andres's brother Filippus in 1204 (*Bs* 9). Filippus and Andres were sons of Margret, daughter of Ingrid by Arne of Stårheim. Ingrid had previously been married to Henrik Skatelår, who had a shared ancestor with King Valdemar, namely, Svein Estridsson.

¹³³ In the conflict between Håkon and Skule in the 1230s he was always on the side of Håkon (*HisH* 181, 183).

vinr) had become smaller, as a consequence of the stricter subordination demanded by the chieftains.¹³⁴ The same tendency can be detected in Norway. When the rivalry between Håkon and Skule came to a head during the 1230s, it became increasingly difficult to maintain friendship with both. A turning point seems to have occurred when the two men met in Bergen in 1233. When the magnate Pål Vågaskalm arrived at the meeting before the rest of Skule's fleet, the king's men accused him of being "with the earl and against the king".¹³⁵ To this Pål replied: "I am not against the king if I have come from the north with the earl."¹³⁶ One reason why friendship with both was now perceived as harder to maintain may be that Håkon, before the meeting, had for the first time got the magnates who were appointed as hirdmen to swear oaths only to him, and not to Skule.¹³⁷

The magnates' reactions to the king's accusations of disloyalty in the confrontations above suggest that they did not share same perception of disloyalty as the king and his immediate circle. The reason was that they interpreted the preceding events differently from the king. The king demanded absolute loyalty, in the sense that the magnates' loyalty to the king was a fixed guideline for action which excluded simultaneously supporting anyone other than him. The accused magnates, on the other hand, had a more contextual understanding of loyalty, in which loyalty to the king was not a constant rule of conduct in all situations, but had to be assessed in the concrete context where it came up, which gave them greater latitude in relation to the king than the king wanted. To what extent the parties' perceptions of loyalty were tactically motivated in the situation will be considered in the next two sections, where their perceptions will be examined in relation to their actions before and after the confrontations.

The second phase: the king threatens the magnates with his anger

We saw in the previous section that the magnates could disagree with the king that they had been disloyal to him. In the confrontations they nevertheless ended up submitting unconditionally to the king, with the

¹³⁴ Jón Viðar Sigurðsson 1993, pp. 156–57.

¹³⁵ "hann var með jarlli, en móti kongi" (*HsH* 176).

¹³⁶ "E[c]ke hefi ek verit móti kongi, þó at eg færi nordan með jarlli" (*HsH* 176). Pål argued that such demands were due to the royal vassals' "haste". Cf. note 113 on the incitement by king's men and earl's men.

¹³⁷ *HsH* 181.

exception of Skule in 1233 and Jon in 1263.¹³⁸ This submission, in the ideological perspective, was compared with supplication, in that several of the episodes mentioned the magnates' prostration and repentance, and the king's righteous anger. Yet it is doubtful whether this gives a comprehensive picture of how the actors perceived submission.

Firstly, it is scarcely a coincidence that one of the two occasions when magnates refused to submit to the king involved the ritual of prostration. When Skule in 1233 was requested to throw himself at Håkon's feet without an outer garment, he refused to do so.¹³⁹ His high status probably made submission to the king a particularly sensitive matter, but this was hardly the whole reason for his reluctance. The demand for prostration was not only uncommon, but also unusually severe, which was underlined by the fact that this was the only time *lýðni* was demanded of a magnate. Skule was not unwilling to submit to the king, but he did not want to go beyond serving him and "yielding to" (*vægja*) him.¹⁴⁰ There is reason to believe that the demands made of Skule were intended as a provocation more than an expression of any generally recognized demand for loyalty. The entire encounter seems like an attempt by the king and his men to humiliate Skule as best as they could. At the court, for example, no chair was put out for Skule, a deliberate insult on the part of the king.¹⁴¹ In addition, Gunnar kongsfrende, who demanded Skule's prostration, was a confrontational man who did not shrink on other occasions from provoking the earl's men.¹⁴² The other instance of prostration went off without any corresponding drama. The reason was probably that this concerned a magnate of lower status who had committed a more serious breach of the law.¹⁴³

Secondly, it is doubtful whether the magnates shared the kings' interpretation of their submission as an expression of repentance. Sverre, as we have seen, interpreted Earl Harald's submission in 1195 as a token

¹³⁸ *HS*H 177, 322.

¹³⁹ *HS*H 177.

¹⁴⁰ *HS*H 177.

¹⁴¹ *HS*H 177.

¹⁴² *HS*H 189. Gunnar stood behind the king's chair in 1233, possibly because it was on his initiative that Skule was not given a place (177).

¹⁴³ *Svs* 153. The magnate in question here is Torstein Kugad. The lack of friction in this case must be seen against the background of the lower status of the magnate, that he had been guilty of a serious breach of loyalty (changing sides several times), and that defection from the opposing faction was allegedly widespread at the time. Torstein had also assured himself of a truce so that he could come to the king (cf. the analysis of the prior history, pp. 207–8).

of his remorse.¹⁴⁴ In connection with Nikolas's submission to Sverre in 1194 and twice to Håkon in 1225, it is likewise natural to interpret it this way, given that Nikolas asked for mercy or forgiveness.¹⁴⁵ The sagas, however, have hints that the magnates' submission cannot be viewed as a sign of their repentance. Earl Harald said outright when he met Sverre that he was "in anguish",¹⁴⁶ and it is reported that Nikolas, when faced with the king's accusation, was "extremely meek".¹⁴⁷ Harald's anguish and Nikolas's meekness, unlike repentance, were not reactions which proclaimed that they had been convinced by the king, but only that they had yielded to him. Harald also stated what the reason for his anguish was: "I have incurred my lord King Sverre's wrath."¹⁴⁸ Wrath is not mentioned in King Sverre's conflict with Nikolas the year before, but the way the matter was settled suggests that wrath may have been a factor here too. For the saga tells us that Sverre dismissed Nikolas's protests of his innocence, saying that "it was of no use, he knew the truth".¹⁴⁹ It was evidently not necessary to convince Nikolas—it was sufficient to threaten him into agreement.

This brings us to the third objection to viewing the magnates' submission as a form of supplication, an objection which concerns how the king's anger should be interpreted. I pointed out earlier that the king's anger, from the ideological perspective, could be understood as his reaction to a subject's breach of the law, against the background that the king's chief duty according to the *rex iustus* ideal was to judge justly. It is doubtful whether Earl Harald interpreted Sverre's anger in this way. It was scarcely only, and probably not even primarily, Sverre's legal reaction that Harald feared when he made the decision to visit him in Bergen. It is one matter that the judicial side of his disloyalty was not as obvious as Sverre implied, as we saw in the previous section. More important was the fact that Harald had not just broken the law, but had also personally insulted Sverre.

The connection between an insult to the king's person and his anger emerges more clearly from an episode I cited in the chapter on retainers, where Sverre became furious because the Birkibeinar would

¹⁴⁴ *Svs* 125.

¹⁴⁵ *Svs* 123; *HsH* 133, 138.

¹⁴⁶ *Svs* 125 ("vandi").

¹⁴⁷ "var hann þa hinn miukasti" (*Svs* 123).

¹⁴⁸ "Nu er nyr vandi til handa borin reiði mins herra Sverris konungs" (*Svs* 125).

¹⁴⁹ "þetta mynde ecki stoda. letz han allt vita hit sanna apr" (*Svs* 123).

not accept his division of the booty after a battle in 1197.¹⁵⁰ Sverre's outburst of anger not only clashed with the rules in the *Hirðskrá* for the division of booty,¹⁵¹ but also with the emphasis in the normative sources that a decision should not be made in anger.¹⁵² The essence here is summed up in the saga's laconic, but precise, conclusion: "The king set the value as he himself wanted."¹⁵³ The king's display of rage ensured that he had his way in this situation, not because his case was better, but because his men were frightened by his reaction.

The threatening character of anger was no unintentional side effect of a legally defined situation, but constituted much of the essence in this type of reaction. Whereas the king's wrath, according to the royal ideology, was an expression of a Christian-inspired conception of justice, its practical significance should be viewed in the context of the king's limited and non-institutionalized power. On the one hand, it required the king to be friendly to his men and his subjects, to instil trust and appeal to their interest in supporting him.¹⁵⁴ On the other hand, it was particularly important for the king to react sharply to insults, as the English historian Jolliffe has put it: "The *ira et malevolentia* is the counterpart of the *pax et custodia*."¹⁵⁵ The king's anger can be considered both as a reaction to personal insults, and as the means to restore his lost respect. Two aspects stand out in this secular version of the king's anger: its overwhelming and unpredictable character.

The fact that an insult was regarded as a blow to the king's honour made it necessary to react with the greatest severity. Through its overwhelming character, the royal anger was intended to cause the victim an injury that was not in proportion to the insult of which he was guilty.¹⁵⁶ The aim was to set an example to demonstrate that it paid to support the prince and not oppose him. The attractiveness of obtaining the king's protection was not just a result of the defence this

¹⁵⁰ *Svs* 136. Cf. p. 153.

¹⁵¹ *H* 38 declared that the king was entitled to buy what he wanted, but he had to pay the full price for it.

¹⁵² *KS* 5, 66, *H* 20, *Hb* 23, 27, Cf. pp. 168–70. See also Bagge 1991, p. 169.

¹⁵³ "lagði konungr verð eptir slikt er hann villdi" (*Svs* 136), cf. Althoff 1998, p. 63.

¹⁵⁴ According to Sverre Bagge (1991), in *Heimskringla* this was the most important characteristic a king could have in order to succeed.

¹⁵⁵ Jolliffe 1955, p. 97, cf. Bartlett 2000, pp. 29–35, 48–51; Hyams 2003, pp. 39–54; Reuter 1991, p. 207; White 1998, pp. 140–42, 151.

¹⁵⁶ White 1998.

provided against others; it also gave defence against the king himself.¹⁵⁷ *Heimskringla* gives some glimpses of how frightened people were of the king,¹⁵⁸ and the work has a number of examples of kings who vented their immense wrath on magnates who had opposed them.¹⁵⁹

Even if it was important for the king to react sharply to insults, his limited power nevertheless made it impossible for him to react to every insult he suffered. It is here the unpredictable character of his anger comes in. Jolliffe remarks on the anger of the Angevin kings: "For us it has a strangely indeterminate character; but that, for those who use it, is its proper virtue."¹⁶⁰ The arbitrary element was a result of the subjects not always being prepared to submit to the king voluntarily, and of the king being unable to coerce everyone into submission. It was therefore all the more important not to give them the feeling that they were completely safe.

Sverre Bagge points out in an article that in the Middle Ages "the royal or imperial wrath was a concept and precisely an expression of the ruler's unpredictability".¹⁶¹ The magnate Erling Skakke gave his son, King Magnus Erlingsson, a lesson on the significance of this type of volatility, when Magnus wanted to pardon a man: "you will not long rule your kingdom if you behave only with mildness."¹⁶² Snorri Sturluson made a great point of how tricky it was to see from Erling whether he had decided to pardon or to kill his enemies. This uncertainty was

¹⁵⁷ Jolliffe points out on the subject of the Angevin kings that "the ruler's personal hates and fears were released as efficient forces to play about the political world" (1955, p. 95).

¹⁵⁸ Håkon the Good's watchmen hardly dared to warn of hostile armies, for fear of the king's anger if the warning proved to be a false alarm (*HG* 22). See also *OH* 76, 122. Cf. Lunden's description of the awe of the king (Lunden 1976, pp. 416–17).

¹⁵⁹ See *HH* 24 (Harald angry at Gange-Rolv), *HG* 18 (Håkon angry at the Trønds), *OT* 9 (Harald Gormsson angry at Gull-Harald), *OT* 57 (Olav angry at his sister), *OT* 80 (Olav angry at Raud), *OT* 84 (Olav angry at the Icelanders), *OH* 33 and 94 (the Swedish king angry at Olav), *OH* 138 (Olav angry at Stein), *OH* 165 (Olav angry at Tore), *HHard* 27 (Magnus angry at Harald), *MB* 6 (Magnus angry at Egil). Cf. Bagge 1991, p. 169 on the significance of the king's anger in *Heimskringla*.

¹⁶⁰ Jolliffe 1955, pp. 95, Cf. p. 106 ("they should be as ambiguous as they were intolerable").

¹⁶¹ Sverre Bagge, "Vold, spontanitet og rasjonalitet—politisk mentalitet i middelalderen", in T. E. Førlund (ed.), *Norbert Elias: En sosiolog for historikere?*, Oslo 1997, p. 62. Cf. Jolliffe 1955, pp. 98, 105.

¹⁶² *ME* 35. *Inges saga* can illustrate how important it was to take personal affronts seriously. Inge was angry with his mother, who accused him of weakness because he did not retaliate when insulted by his brother Sigurd. Gregorius Dagsson came along and expounded a domino theory about what would happen to Inge if he did not show his desire to avenge himself at once (*Inge* 27).

scarcely unintended on Erling's part.¹⁶³ A man was not supposed to be perfectly sure whether he was the king's friend or enemy. Håkon Håkonsson was not above using this approach. When Skule and his men pressed him in 1217, his adviser Dagfinn bonde warned against further concessions, because then "all the honour that belongs to the king would quickly be washed away."¹⁶⁴ Dagfinn's words were confirmed slightly later when the king could not summon a fleet because "the *sýslumenn* do not fear the king greatly".¹⁶⁵ Kindness and anger were the two extremes of the king's personality, and a clever king knew how to use both in an unpredictable mixture when he exercised his power.

It is not always easy to distinguish between the king's "righteous" anger within a judicial-Christian idiom on the one hand, and on the other hand a type of anger provoked by personal insult and intended to frighten the opponent into submission. When Sverre heard of the participation of the Orkneymen in the Eyjarskeggjar uprising in 1195, *Sverris saga* tells that Sverre wanted to *gjalda* the Orkneymen, a verb which can mean "to fine", "to tax", and "to take revenge".¹⁶⁶ There was a blurred dividing line between the king's role as impersonal administrator of justice and as a victim of personal insult, and it was often by playing on such ambiguities that the king could have his way.

It is important, however, to maintain the distinction in principle between the king's righteous and his personal anger. Firstly, the king had a monopoly on righteous anger, whereas reacting with anger to personal insults was not something the king was alone in. In the Icelandic commonwealth, anger was the link connecting personal insult to vengeance,¹⁶⁷ and consequently something that everyone could legitimately show. Here the difference between the king's and other people's anger

¹⁶³ Snorri has an interpretation of Erling's behaviour: if he was intending to kill a man he kept calm, whereas he gave him a good scolding if he intended to pardon him (*ME* 35). This interpretation in itself is an indication of how important it was for other people to predict the king's actions, and for the king not to reveal the outcome of his deliberations.

¹⁶⁴ "þa man bratt af þuozt oll su sæmd, er konginum heyrir til" (*HsH* 18), cf. also *HsH* 41. Not long afterwards, the opposition used the same strategy when the earl's man Gregorius Jonsson suggested that they should punish the king's adviser Ivar Bodde by "tearing Ivar apart" (*HsH* 20).

¹⁶⁵ "sýslumenn hræddast litt kongin" (*HsH* 60).

¹⁶⁶ *Ordbog: gjalda*.

¹⁶⁷ Ellisif Gjestland, *Emosjoner i sagaen? En undersøkelse av sorg, sinne og kjærlighet i tre islendingesagaer*, unpublished degree thesis in Scandinavian studies, Bergen 1995, pp. 35–36.

was just a difference of degree, in that the king had the greatest honour and therefore was the one who could be most profoundly offended. Secondly, the king's personal anger, unlike his righteous anger, was not associated with offences against the law, but with offences against his person, as Jolliffe points out: "The King's anger does not follow upon determinate offences nor can limits of law or custom be placed upon its effects."¹⁶⁸ A man could thus offend the king without having broken the law.¹⁶⁹ Anger was in the final analysis an expression of the king's need to restore respect for his person, and that was why it had to appear both overwhelming and unpredictable.¹⁷⁰ The king's righteous anger, on the other hand, was limited by what was established in the laws, and was part of a programme of consistent prosecution of those who broke the laws.

There is little doubt that Earl Harald's submission to Sverre in 1195 was motivated by fear more than remorse. He probably interpreted Sverre's outburst as a threat, and not so much as a legal reaction. Sverre, for his part, no doubt perceived Harald's participation in the Eyjarskeggjar uprising more as an insult than as a breach of the law. What the saga portrayed as Sverre's punitive expedition was probably primarily interpreted by both Sverre and Harald as an act of revenge.

While Sverre could become furious if he did not have his way on personal matters, as we saw in connection with the division of the booty in 1197, King Håkon could not, as king by the grace of God, permit himself to display anger except for a higher cause than his own. We saw that, from the ideological perspective, it was the subjects' breach of the law, and not their insult against the king's person, that was crucial when Håkon became angry.¹⁷¹ In the epilogue to Håkon he is described as "kind when he was in a good mood, but severe when

¹⁶⁸ Jolliffe 1955, p. 105. Cf. Wendy Davies, "Anger and the Celtic Saint", in Rosenwein 1998, pp. 201–2.

¹⁶⁹ According to Jolliffe, a man could "disastrously offend the King without offending the law" (p. 98).

¹⁷⁰ This is obvious in Olav Tryggvason's threat to kill all the Icelanders in Nidaros because their fellow countrymen had opposed Thangbrand's attempt to convert Iceland to Christianity (*OT* 84). It is misleading to interpret the threat as a just punishment for a breach of the law, since the threat was not in reasonable proportion to the seriousness of the offence, and it was not directed against those who were guilty. The reason for Olav's anger was that respect for his person was threatened, and the anger had the desired effect, in that all the Icelanders submitted to him.

¹⁷¹ Cf. notes 80 and 81, p. 170, *HsH* 66, 75, 117, 150, 195, 215, 244.

he was angry”.¹⁷² This wording can be interpreted as an endorsement of the *rex iustus* ideal with its emphasis on royal anger as a means to achieve justice, comparable to the difference in his behaviour during and after the battle of Oslo: “as harsh as he had been during the day in destroying his enemies, he was no less merciful in giving quarter to all those who yielded to him.”¹⁷³ The same contrast is emphasized in Sverre’s motto, which the English chronicler William of Newburgh reports as engraved on his seal: “King Sverre Magnus, fierce as the lion, mild as the lamb.”¹⁷⁴ That such a contrast did not just cover the righteous anger of a *rex iustus* is clearer from a similar motto used by English kings: “it is natural that we should do better for those who are with us than for those who are against us.”¹⁷⁵ Jolliffe interprets this as an expression of the kings’ “discriminatory protection”, which consisted in governing not only through personal connections but also through personal emotions—“by discrimination, by favour, by delay and denial of justice.”¹⁷⁶

If King Håkon could no longer permit himself open outbursts of personal anger, it was a different matter with Skule, who was not subject to the same idealization as Håkon. *Hákonar saga Hákonarsonar* gives clear insight into the significance of anger for Skule’s authority. In 1218 the king’s uncle chopped off the hand of his good friend and cleric Eiliv, and Skule was so enraged that he “valued it little” when Håkon offered compensation for the injury.¹⁷⁷ It was not before Dagfinn bonde put his foot down and demanded quarter for the night that his anger seems to

¹⁷² “Hann var blípr þa er hann var gott í skapi enn grimligr þa er hann var reiðr” (*HsH* 332).

¹⁷³ “Ok sua grimur, sem Hakon kongr hafði verit vm daginn at fyrirkoma sinum ouinum, þa var ok eigi hitt midr fra moti, huersu miskunsamur hann var j gridagiofum vid alla þa, sem aa hans valld gengu” (*HsH* 237).

¹⁷⁴ William of Newburgh (Wilhelm Parvus) cited in Gustav Storm, “Kong Sverres fædrene herkomst”, *HT* series 4, vol. 2, 1901, p. 182. In Latin: “ferus ut leo, mitis ut agnus.” Sverre’s motto is reminiscent of his exhortation to the Birkibeinar in his speech against drunkenness: “Soldiers should be like lambs in peacetime, but cruel as lions in war” (*Svs* 104). The contrast is also evident in descriptions of several of the kings in *Heimskringla*: Olav Tryggvason (*OT* 85), Olav Haraldsson (*OH* 3), Knut the Great (*OH* 131).

¹⁷⁵ Jolliffe 1955, p. 89.

¹⁷⁶ Jolliffe 1955, p. 89, cf. Hyams 1998, pp. 100–1.

¹⁷⁷ “æmpti þui litt” (*HsH* 51). On the conflict see *HsH* 50–52. Rygg interprets this as showing that Håkon was more inclined to peace than Skule was (Rygg 1997, p. 134).

have worn off. If Skule was to retain his position as leader, it was crucial that he displayed a willingness to avenge insults to his men. Anger still played a part in channelling the will to take revenge.

William Miller defines power in the Icelandic commonwealth as "having others think one had the ability to muster forces."¹⁷⁸ Through his anger the king showed that he had both the ability and the will to mobilize if he did not have his way. Even if the king's anger had been Christianized and judicialized, the capacity to instil fear still lay under this surface as a lasting reality. We have seen that it is doubtful whether the magnates interpreted their submission to the king as a form of supplication. Prostration was a controversial ritual, remorse was scarcely something the magnates had in excess, and the king's anger was an expression of his desire for revenge rather than a reaction to breaches of the law. The magnates, however, ended up by submitting to the king in most cases, and thereby showed that they admitted their subordination. The question is whether this subordination was manifested in an equally severe judgement. We must look at the conclusion of the conflicts to gain greater insight into whether these confrontations were steered by the norms of self-judgement with moderation and compromise, or by the judicial punishments of the just king.

The third phase: from ritual submission to real friendship

All the confrontations between the king and magnates ended with the reconciliation of the parties. The question is how this is to be interpreted. From the ideological perspective, the conflicts were resolved by the king granting mercy or giving quarter to magnates who had admitted their offence against laws or norms and submitted to the king's judgement.

It is doubtful, however, whether the actors believed that the conflicts had been settled solely in favour of the king. First of all, the king arrived at equal settlements at home, even though this was rare. Sverre negotiated equal settlements with Magnus Erlingsson and Archbishop

¹⁷⁸ Miller 1990, p. 245.

Øystein,¹⁷⁹ while Håkon settled on equal terms with Earl Skule in Norway.¹⁸⁰

Secondly—and more importantly here—even settlements in which the king was the stronger party had a decidedly reciprocal character. The fact that the king normally emerged as the stronger party, in that it was he who gave quarter or settlement to magnates, does not mean that this established a one-sided relation of subordination. True enough, conflict could arise between the king and the magnates, with magnates wishing to settle with the king on equal terms, whereas the king was only willing to offer them a truce if they came to him.¹⁸¹ The aim of granting a truce or settlement was nevertheless to arrive at a solution that was acceptable to both parties. It is clear that the king turned a blind eye to examples of gross disloyalty when he gave quarter to magnates. Jon Hallkjellsson and Torstein Kugad were granted truces by King Sverre, even though they had broken their oaths to him several times.¹⁸² Abbot Björn was granted a truce in 1240, despite the fact that he was on the way to the pope and the emperor with letters from Skule “for which the abbot deserved to die”.¹⁸³

The king did not always gain so much by granting truces to magnates. Håkon gave quarter to Jon Dungadsson in 1263, although he would not retract his allegiance to the king of Scotland.¹⁸⁴ Moreover, magnates

¹⁷⁹ In the negotiations between Sverre and Magnus in 1181 we read that Sverre was *sáttfúss* (eager for a settlement), whereas Magnus was reluctant to accept what he described as a *naudá-sætt* (enforced settlement) (*Svs* 60). The difference in their willingness to be reconciled in all probability reflected the power relations between them at this time. Archbishop Øystein made peace with Sverre on two occasions, both times in the form of a *sátt*, but the last time the saga says that Øystein asked Sverre to forgive (*fyrirgefa*) him, which indicated a difference in their relationship (*Svs* 78, 107). *Sátt* was also contracted between the bishops and Håkon Sverresson (*Bs* 3).

¹⁸⁰ The meeting in Bergen in 1233, as we have seen, ended with *sátt*, even though the balance was in favour of the king (*HsH* 177). This settlement was re-established when Skule, two years later, failed to appear at the meeting, but Skule's inferiority was now so noticeable that it was formalized (185, 187). When Skule failed to a second time to turn up to a meeting with Håkon in 1239, Archbishop Sigurd proclaimed a truce between them (196, 205), and during the hostilities the possibility of *sætt* was discussed (222). Of other horizontal settlements, the national assembly in 1223 resulted in a *sáttargerð* (97), and a tense situation in 1218 was resolved with the proclamation of a truce (51–52). Håkon also contracted *sætt* with Bishop Pål (188).

¹⁸¹ Nikolas wanted *sætt* with Sverre in 1197, but Sverre was only willing to grant him *gríð* if he came to him (*Svs* 136). Sigurd Ribbung wanted *sætt* with Håkon in 1223, but was only allowed *gríð* to visit him (*HsH* 84).

¹⁸² *Svs* 78, 153.

¹⁸³ “at aboti væri verdr liflatz fyrir” (*HsH* 225).

¹⁸⁴ *HsH* 322.

often received generous terms. The Scottish chieftains who were granted quarter by Håkon on his expedition to Scotland not only escaped being subjected to plundering, but were also given back the areas they had ceded to the king, to hold on the same terms as before.¹⁸⁵ Nor did the magnates Jon Hallkjellsson, Torstein Kugad, Knut Håkonsson, Erling Rumstav, Skule Bårdsson, and Gregorius Andresson experience any decline in their status as a consequence of receiving quarter from the king.¹⁸⁶ I shall look more closely at the resolution of these conflicts in a longer chronological perspective in the section about the aftermath of the confrontations. Here I shall confine myself to pointing out that the conflicts resolved by truces resemble self-judgement in that the overall aim was not to punish magnates in relation to the breach of laws or norms of which they were guilty, but to arrive at a solution that was acceptable to both parties.

Thirdly, royal forgiveness or mercy was not always as one-sided as the ideological perspective dictated. Sverre's pardon of Archbishop Øystein in 1188 was accompanied by Øystein's forgiveness of Sverre and the two men achieved a reconciliation.¹⁸⁷ Nikolas Arnesson in 1225 received not only the king's forgiveness, but also a funeral speech in his honour.¹⁸⁸ When he had visited Håkon two years earlier and promised to be his friend "both openly and secretly", ¹⁸⁹ he was granted the northern part of the district of Oslo when the king subsequently distributed administrative districts in East Norway.¹⁹⁰ Here it is clear that Nikolas, by showing his willingness to submit, strengthened his possibility of being awarded royal privileges at the next crossroads. An exception is Earl Harald, who was not given the favourable settlement he had been promised by Sverre when he yielded to him in 1195.¹⁹¹ The harsh treatment may be due to the fact that this dispute concerned the periphery, but it may also have to do with the fact that the king was not *always* conciliatory. This will be examined in greater detail in the analysis of what happened after the confrontations.

¹⁸⁵ *HsH* 320–22, 358. Most of these went back to the Scottish king when he came there in 1265 with an army (*MLs*, AM 325X, folio 1).

¹⁸⁶ *Svs* 77 and 78; 153; *HsH* 147 and 157; 149; 177; 237.

¹⁸⁷ *Svs* 107.

¹⁸⁸ *HsH* 138.

¹⁸⁹ The translation is from *Sth.* 8 fol.: "vera hans vin bæde opinnberliga og ley-neliga" (*HsH* 98).

¹⁹⁰ *HsH* 98.

¹⁹¹ *Svs* 125.

The difference between conflict resolution where the king gave *sætt*, *gríð*, and *miskunn* proved to be vaguer in practice than in theory. The king never refused to pardon or be reconciled with men who so wished, and this meant as a rule (but not always) that the inferior party was given favourable terms. In an ideological perspective the king stood out as the great forgiving lord, but in practice his clemency was not so much an expression of his all-embracing power as a sign of his lack of power. The king was stronger than the magnates, but not so strong that he could do without their support. He could demand their submission in confrontations, but he could not expect *both* penitence and betterment. If he was to have a realistic chance of obtaining the magnates' future support, he had to offer them generous terms. The magnates, for their part, could show submission and confidently expect the king, after an introductory "act of grace", to go on to establish friendly relations with them. Their initial subordination to the king was thus followed by a more equal, amicable relationship. The king's forgiveness as an expression of his gentle Christian disposition thus concealed the social necessity of the act. In the section on the aftermath of the confrontations I shall examine how the relationship between king and magnates developed over time. There the irregularities in the conditions of the king's judgements will also be interpreted more exhaustively.

Conclusion: the significance of unpredictability

In this chapter we have followed the king in his encounters with magnates where the question of their subordination to him arose. The confrontations between king and magnates could be interpreted in an ideological perspective as conflicts between the king as a dispenser of justice in God's image on the one hand, and magnates as law breakers and sinners on the other hand. The resolution of conflicts shows similarities to supplication, although it does not have an equally ritual character. The king accused magnates of disloyalty, after which they received the king's mercy if they submitted unconditionally to him and repented their deeds. Loyalty to the king appeared absolute in that it was supposed to apply everywhere, at all times, and to everyone.

A closer analysis of the confrontations, however, shows that this perspective does not cover the magnates' perceptions of loyalty to the king, and that even the king does not seem to have pursued his demand for absolute loyalty consistently. In the practical perspective,

unpredictability seems to have played a central part in the king's exercise of power. His accusations of disloyalty on the part of magnates should be interpreted as tactical moves rather than as statements of generally acknowledged circumstances, since they were greeted with limited understanding among magnates, who did not share the king's perception that they had been guilty of disloyalty to him. When the magnates nevertheless mostly ended by submitting to the king, it was not so much because they repented what they had done, as because they feared the king's anger. The effect of the anger was due to the fact that it exceeded the Christian-inspired "righteous anger", since its most important function was to create so much fear and insecurity that the opponent would not dare to do anything but submit to the king. It was therefore crucial that the anger seemed overwhelming and unpredictable. At the same time, the very necessity of displaying anger showed that subordination to the king was not a matter of course. In line with this, the magnates' unconditional submission was rarely followed by a corresponding uncompromising judgement; instead it usually paved the way for a reconciliation between the king and the magnate based on more reciprocal, and above all more friendly, terms. Whereas the king in the ideological perspective resembled God, in the practical perspective he was much more like an Icelandic chieftain, powerful enough to achieve self-judgement but in no way elevated above the political power game.

There is little reason to doubt that the king normally was the most powerful man in the country. In the confrontations about disloyalty it was rare for magnates not to recognize the king's supremacy in the situation. It is also beyond all doubt that Håkon was stronger as king than Sverre had been. Håkon experienced less resistance than Sverre had incurred, and he may have made stricter demands of loyalty. What has been central in this analysis, however, is that the way in which the conflicts were perceived had not changed noticeably during this period if one looks beyond the ideological difference in the presentation of Sverre and Håkon. The king was not perceived as an impartial administrator of law and justice, and loyalty to the king was not a fixed property with a set meaning. The king was the most powerful person in the kingdom, but he had to mobilize ideas of loyalty in basically the same way as other men appealed for backing for their cause. He could not afford to govern merely by inspiring people to love. The attractiveness of the king's favour lay in the fact that the alternative—his wrath—seemed

like its absolute contrast. Both instruments were indispensable for the king in his practical exercise of power, with unpredictability in their use as an equally necessary condition.

Until now I have concentrated on situations where the king was in the presence of the magnates. This was highly uncommon, however. What characterizes the king's relationship to magnates who did not share his table is that the king was seldom present. Situational analyses therefore cannot tell us how the relationship between king and magnates was perceived when the king was absent. In the following I shall try to remedy this imbalance by extending the chronological perspective to include what happened before and after the confrontations. This can give us an answer about the extent to which the king's physical absence also was a mental absence. Was loyalty to the king attached to his concrete person, in the sense that his presence was necessary to activate an idea of loyalty to him? Or was loyalty attached to the abstract figure of "king" in the sense that people were loyal to the king even in his absence? If the subordination described in these episodes was atypical compared with the subordination normally shown to the king, one must assume that loyalty to the king was of a decidedly contextual character. But if the king received loyalty not just when he was present, but also when he was absent, there is reason to assume that loyalty to the king was of a more absolute character.

2. *The Prior History of the Confrontations: Was Disloyalty Unexpected?*

In this part I shall analyse the demands for loyalty in the confrontations between the king and the magnates in the light of events preceding the clashes. Where the preceding situational analysis took up the normative aspect of loyalty, the analysis of what happened beforehand aims to ascertain whether the king's demand for loyalty in the confrontations can be regarded as a norm in statistical terms, that is, whether the norm was usually observed. Preben Meulengracht Sørensen formulates the conditions for this as follows: "If the circumstances in a society are such that some groups or classes are compelled to systematic acceptance of tyranny from others, then tyranny ceases to be tyranny. Unright becomes right for those who have power."¹⁹²

¹⁹² Sørensen 1995, p. 185.

This study does not seek to determine what was typical or atypical on the basis of a quantitative analysis of whether disloyalty to the king was common or uncommon. This question will instead be assessed by means of a qualitative analysis of the actors' advance *expectations* of confrontations where magnates were accused of disloyalty.¹⁹³ If the king perceived the magnates' actions as unexpected, and the magnates for their part expected accusations of disloyalty for their actions, there is reason to assume that the actions were uncommon, and consequently ran against a norm of loyalty that was mainly of absolute character. If the magnates' actions were not unexpected to the king, but if it was the king's accusations of disloyalty that came as a surprise to the magnates, on the other hand, it is doubtful whether loyalty to the king was a powerful statistical norm. Loyalty to the king must then be perceived as decidedly contextual. I shall follow the previous structure and analyse the situations first from an ideological and then from a practical perspective.

The ideological perspective: disloyalty to the king is unexpected

It was clear from the situational analysis that *Sverris saga* and *Hákonar saga Hákonarsonar*, from the ideological perspective, were in relatively good agreement that disloyalty to the king was a breach of a norm, in the sense that it deserved rebuke. In the presentation of the king's expectations of the magnates before the confrontations, however, the sagas differ. *Sverris saga* often portrays Sverre as a king with an uncommon ability to foresee disloyalty to him.¹⁹⁴ According to the saga, Nikolas Arnesson's disloyalty in connection with the Eyjarskeggjar uprising in 1193–94 was far from being a surprise to Sverre, for he had warned against Nikolas's disloyalty when he was elected bishop in 1190: "his loyalty would not grow if he was given a higher rank than he already had."¹⁹⁵ Nikolas's disloyalty in 1194 was thus merely a confirmation of

¹⁹³ Cf. pp. 161–62.

¹⁹⁴ This does not mean that he was portrayed as being far-sighted in every respect. Cf. Bagge 1996.

¹⁹⁵ "ecki myndi trv-leicr hans vaxa þa at hann hefði hæra nafn en þa hafði hann" (*Ss* 111). Interestingly, the question of whether, as a bishop, he could be regarded as being obliged to display loyalty to the king at all is not considered here. This indicates how insignificant the difference between secular and clerical lords was in practice. Hákon's description of Nikolas after his death is evidence of the same (*HsH* 138).

Sverre's prediction. Later he declared that in Nikolas's kindred there were "few to be trusted".¹⁹⁶

Sverre was reported to be sceptical about Olav jarlsmå, one of the other initiators of the Eyjarskeggjar uprising. When Olav was ready to set off for the Orkneys with the Eyjarskeggjar candidate for king, a departure which he had kept concealed from the king, Sverre said to him: "You should be faithful to me now, Olav."¹⁹⁷ When Olav asked why he said that, he replied that he could observe his enemies' attendant spirits, and Olav said afterwards that Sverre had nearly discovered his betrayal.¹⁹⁸ Sverre did not have any greater expectations of Jon Hallkjellsson when he asked for quarter for himself and his sons in 1183. The saga says that he was reluctant, because "you have twice before sworn oaths to me, but have not kept them either time".¹⁹⁹

The Baglar uprising, according to *Sverris saga*, was not a surprise to Sverre either, since before the uprising Sverre had refused to send any of his men on a crusade with Reidar Sendemann, his reason being: "There are some people here at home that I do not trust if a war band is raised."²⁰⁰ Loyalty to the king is portrayed in *Sverris saga* as decidedly contextual in that the king could not expect loyalty unless he was present.

Hákonar saga Hákonarsonar differs clearly from *Sverris saga* in that disloyalty to the king is described as a deviation from the normal order. When Skule Bårdsson took the name of king in 1239 and sent men out to kill the Birkibeinar without first proclaiming a termination of the peace, King Hákon said that this was something "never known to have happened before in Norway".²⁰¹ A particularly exacerbating circumstance was Skule's killing of men who were also his own hirdmen, and who consequently "could not expect anything but good".²⁰² The unexpected character of Skule's behaviour is also evident from the fact that Hákon could scarcely believe it when a Birkibeinn brought him the news of Skule's rebellion.²⁰³

¹⁹⁶ "far vera trygr" (*Svs* 133).

¹⁹⁷ "Trur scylldir þu mer nu Olafir" (*Svs* 118).

¹⁹⁸ *Svs* 118.

¹⁹⁹ "tysvar hafi þer aðr svarit mer eiða oc halldit hvariga" (*Svs* 78).

²⁰⁰ "Sitia oc þeir sumir innan-landz er ec trvi ecki vel þegar ef noccor floccr hefz" (*Svs* 129).

²⁰¹ "sem all dri eru dæmi til, at giort hafi verit fyr j Norege" (*HsH* 229).

²⁰² "ser visv einskis von nema gods" (*HsH* 229).

²⁰³ *HsH* 206.

King Håkon expressed a similar disbelief in the last year of his life, when the saga reports his reaction to the disloyalty of Jon Dungadsson, king of the Hebrides: “King Håkon refused to believe this before he had it confirmed.”²⁰⁴ Disloyalty here seems so uncommon that the king could scarcely credit it. This was underlined by the fact that Jon, according to the saga, had previously distinguished himself as a particularly loyal king’s man.²⁰⁵ Loyalty to the king is portrayed as an absolute statistical norm in *Hákonar saga Hákonarsonar*, because the king could expect the magnates to remain loyal even in his absence.

Hákonar saga Hákonarsonar can also be taken as evidence that this norm of loyalty was stricter than before, for while the previous examples concerned changing sides, in the 1220s it looks as if even mediation was perceived as disloyalty to the king. In 1225 Nikolas Arnesson was accused of “not displaying full loyalty to him [the king], as he thought he had promised him”, probably because Nikolas wanted to achieve a reconciliation between the Birkibeinar and the Ribbungar.²⁰⁶ Two years earlier, Nikolas, according to the saga, had promised the king that he would be his friend “openly and secretly”.²⁰⁷ This reminds us of the requirement of hirdmen in the *Hirðskrá* to be loyal to the king “secretly and openly”.²⁰⁸ In 1226 Archbishop Peter and Skule Bårdsson were accused of “not having displayed full loyalty towards him” because they had arranged a conciliation meeting between King Håkon and Sigurd Ribbung and had proclaimed a truce in preparation for it.²⁰⁹ Here too, the king could confront his opponents with the fact that they had “promised him their friendship with firm loyalty”.²¹⁰ In both cases the unexpected nature of the mediation was emphasized by the way the king contrasted the magnates’ disloyalty with the loyalty they had previously pledged to him. It is also significant that the faithlessness was discovered on both occasions after the king had found letters disclosing their disloyalty. This implies that their attempts at mediation did not take place in the open; instead they were secretive and compromising.

²⁰⁴ *HsH* 319.

²⁰⁵ *HsH* 265.

²⁰⁶ “eigi allr trunadr halldin við sic af biskupi, eptir þui sem honum þotte hann hafa jatat ser” (*HsH* 133); “eigi allr trunadr aa vera af byskupi til sin” (*HsH* 138).

²⁰⁷ *HsH* 98.

²⁰⁸ *H* 7, 19, 21, 27, 31.

²⁰⁹ “eigi mundi honum þickia allr trunadr aa vera til sin af þeirra hende” (*HsH* 147), cf. *HsH* 143.

²¹⁰ “het j mot sinne vingan med fostum truleik” (*HsH* 131).

This indicates an absolute understanding of loyalty, also in the sense that their statements here were torn out of the context in which they were made.

There were other occasions when Nikolas supported the king's adversaries in a way that the king perceived as unexpected and censurable. In 1218 the Birkibeinar headed for Viken to suppress the Slittungar, but when they reached Tunsberg, Nikolas's emissaries informed them that the Slittungar were going to attack the town. Some people thought that this was a ruse on the part of the bishop, and indeed it soon turned out that this had been "nonsense and false rumour".²¹¹ Three years later Skule criticized Nikolas for refusing to lend him ships to use against the Ribbungar, in view of the fact that he had previously lent the ships to the Ribbungar without any protests.²¹² In connection with the Vermland expedition, the saga says that Nikolas had divulged the expedition to the Vermlanders, and when Arnbjørn was tracking down the Ribbungar, Nikolas reportedly detained him in his pursuit.²¹³

In the 1230s, breaches of the law by magnates were also portrayed as unexpected in *Hákonar saga Hákonarsonar*. Skule was summoned to a meeting in Bergen in 1233 because he was building ships, which many interpreted as an expression of disloyalty to the king.²¹⁴ Departing without the king's leave was also considered unexpected. The king described the magnate Gregorius Andresson's journey to Denmark in the winter of 1237–38 as "somewhat strange", because "Gregorius had not asked him for permission".²¹⁵ When Snorri Sturluson departed without the king's leave in 1239, *Sturlunga saga* says that the king called it *landráð* and gave the Icelandic chieftain Gizurr Þorvaldsson the task of capturing Snorri dead or alive.²¹⁶ On the other hand, the saga says that the requirement to ask for the king's leave was observed a number of times.²¹⁷ This applied in particular to Icelandic magnates, who respected the king's will even when it went against their own interests.²¹⁸

²¹¹ "hegomi ok uppslatta" (*HsH* 46).

²¹² *HsH* 67.

²¹³ *HsH* 109, 118.

²¹⁴ *HsH* 174.

²¹⁵ "nóckut vndarleg, er Gregorius hafði ecki tekit orlof af honum" (*HsH* 237).

²¹⁶ *Ísl* 151.

²¹⁷ *HsH* 6, 109, 158, 161, 173, 247, 258, *Svs* 12, 25 (the king is given leave in the last two!). In addition there are collective recipients of leave.

²¹⁸ Apart from Snorri's departure without leave, *Hákonar saga Hákonarsonar* mentions only the case of Þórðr kakali in 1242 (*HsH* 195, 246), but if we bring in *Sturlunga saga* the list can be expanded with Jón murtr in 1231, the sons of Sæmundr in 1251, Gizurr

The comparison of *Sverris saga* with *Hákonar saga Hákonarsonar* from an ideological perspective indicates that loyalty to the king in this period assumed a more absolute character and became more of a statistical norm. The king could expect loyalty from magnates, otherwise they had to be prepared for accusations of disloyalty. One was either loyal to the king or disloyal. In addition, these demands for loyalty seem to have been tightened; from having mainly concerned changes of side they later came to include mediation and breach of the law. The question is whether this adequately covers how the magnates' obligations to the king were perceived. To ascertain this we must leave the king's statements and investigate what the actors' deeds can say about their perceptions of loyalty.

The practical perspective: expectations of loyalty to the king were vague

In the introduction to the chapter on the magnates I pointed out that *Sverris saga* and *Hákonar saga Hákonarsonar* had contradictory views of how resistance to the king should be interpreted. In *Sverris saga*, the king's ability to foresee and overcome resistance was portrayed as a sign of his wisdom, whereas such resistance was perceived as an illegitimate challenge to Håkon's right to be king in *Hákonar saga Hákonarsonar*.²¹⁹ Whereas *Sverris saga* had ideological grounds for emphasizing opposition to the king and portraying disloyalty to the king as expected, it was important for the same reason to play down opposition to the king and portray disloyalty as unexpected in *Hákonar saga Hákonarsonar*. Without doubt, then, the difference between Sverre's and Håkon's expectations had an ideological component. The question is whether it was exclusively ideological factors that lay behind the difference, or if it also reflects a real historical change towards the increasing rarity and unexpectedness of disloyalty to the king. In the following I shall examine this by considering what the actors did before the confrontations, rather than what they said. First I shall investigate what the king's actions reveal about his expectations of the magnates. Then I shall look

Porvaldsson and Þorgils skarði in 1252, Gizurr in 1256, and Sturla Þórðarson in the mid-1260s (*Ísl* 79, 161, 164, 192, *Þsk* 4–7, *Sþ* 3). In addition, as mentioned previously, there is Snorri (*Ísl* 143). The relationship of Icelandic magnates to the king will be considered in a separate section.

²¹⁹ Cf. the introduction to part two, pp. 116–18.

at the expectations that other actors and the magnates involved had of the confrontations, based on their actions.

The kings' expectations

When we take the step from the kings' statements to their actions, we simultaneously move from the certain to the more indeterminate expectations of loyalty. A closer analysis of the saga accounts of the kings' actions suggests that disloyalty to the king was neither as expected as *Sverris saga* indicates, nor as unexpected as *Hákonar saga Hákonarsonar* seems to suggest.

Sverre does not seem to have acted in accordance with a belief that disloyalty was as common as his statements indicated. His scepticism about Nikolas was not strong enough to prevent him from making him bishop in 1190.²²⁰ This hints that he at least nourished a hope that he would be loyal to him in the future. His scepticism was probably primarily a result of the fact that the appointment of Nikolas subsequently proved to be a disadvantage to him. By ascribing the responsibility for this to Queen Margrete, the saga avoided having to portray Sverre as unwise. This is not the only time the author of the saga blames others for the bad luck that afflicted the king.²²¹

When Nikolas once more promised Sverre his loyalty after the Eyjarskeggjar uprising in 1194, one might believe that Sverre would have been all the more dubious, since his worst fears from before had already been confirmed once. The saga, however, says that Nikolas had not just admitted his disloyalty, but also that he immediately became one of Sverre's best friends and advisers.²²² Three years later, Sverre pronounced the withering condemnation of Nikolas's kindred as disloyal, but once again we are justified in taking his statement with a large pinch of salt, for immediately afterwards we are told that he was willing to offer a truce to Nikolas.²²³ Thus, even after the failed attempts to retain his support, Sverre felt that it was worth testing Nikolas's loyalty.

²²⁰ *Svs* 111.

²²¹ This is perhaps most evident in the account of the battle of Hattehammeren in 1178, the only battle which the saga admitted that the Birkibeinar lost, and simultaneously the only battle in which the army is said to have acted explicitly against Sverre's will (*Svs* 27–28, cf. Bagge 1996 p. 33 and the chapter about retainers, p. 128). Charles Joys thinks that the saga has exaggerated Sverre's aversion to Nikolas before his consecration as bishop (*Biskop og konge*, Oslo 1948, pp. 172–73).

²²² *Svs* 123.

²²³ *Svs* 136.

This discrepancy between words and actions did not just apply to the treatment of Nikolas. Sverre's suspicions about Olav jarlsmåg were not so great as to lead the king to do anything concrete to prevent Olav from escaping with the Eyjarskeggjar's royal candidate.²²⁴ Nor did his reported scepticism about Jon Hallkjellsson have any consequences, for the king let him swear an oath to him after he had broken two previous oaths.²²⁵ Sverre's actions thus fail to confirm his statement that he expected disloyalty from the magnates.

Another indication that the presentation of disloyalty as something expected in *Sverris saga* was due to ideological rather than real historical factors comes from the fact that this tendency is not consistent throughout the saga. Whereas Nikolas's disloyalty was described as expected, the same does not apply to Earl Harald's so-called disloyalty in connection with the Eyjarskeggjar uprising in 1195.²²⁶ The reason was probably that the author of the saga did not see any point in emphasizing Sverre's wisdom in this situation. When it comes to relationships with outright opponents, one can say that the tendency in *Sverris saga* is in many ways the reverse. As Sverre Bagge has pointed out, it was not appropriate to portray Sverre as a military strategist who planned and foresaw action well in advance, but rather as an improviser with an ability to find a way out of any situation, no matter how dark it looked.²²⁷

If disloyal actions were not as expected as *Sverris saga* tries to imply, they were hardly as unexpected as *Hákonar saga Hákonarsonar* suggests. The saga indicates that Skule's uprising was not as much of a surprise as Hákon made it seem in his speech before the battle of Oslo in 1240, for he said when he heard about the unrest that "what has emerged now has been planned for a long time".²²⁸ Through his actions the king also confirmed that he was not wholly unprepared for conflict. When Skule did not meet him as agreed in 1239, the archbishop said that "people thought it looked hopeless, unless the king came up with

²²⁴ *Sús* 118.

²²⁵ *Sús* 78, 123.

²²⁶ *Sús* 125. Cf. also Sigurd jarlsson, who was brought up by Sverre but later betrayed him (*Sús* 118, 120, 131).

²²⁷ Bagge 1996, pp. 33–51. The main example cited by Bagge is the battle of Fimreite, where he believes there are a number of features indicating that Sverre was not as unprepared as the author tried to make out.

²²⁸ "þetta var fyrir löngu ætlat, sem nú er fram komit" (*HsH* 207).

a good plan”.²²⁹ The king’s plan consisted of proclaiming a truce, and according to the saga he then relaxed and sent his forces home.²³⁰ Four years earlier, however, a comparable situation had arisen, and then the king had not been content with a similar measure—with good reason, for then it had come close to open war.²³¹ It therefore hardly seems credible that Håkon should have been so surprised at Skule’s rebellion as he said explicitly in 1240. Moreover, his surprise was not expressed on a neutral occasion, but in his speech before the decisive battle against Skule in 1240, when an emphasis on the outrageousness of Skule’s behaviour was a suitable way to encourage the Birkibeinar to fight.²³²

In connection with Jon Dungadsson’s reported disloyalty in 1263, we are fortunate enough to have other sources to shed light on these events. In *Hákonar saga Hákonarsonar* Jon’s disloyalty is contrasted to his behaviour in 1249, when the king of Scotland, Alexander II, had offered him a larger fief than the one he had from Håkon, but he had been “loyal and steadfast and said that he would not break his oath to King Håkon”, even though his friends and kinsmen had urged him to accept the Scottish king’s offer.²³³ Matthew Paris, however, has a different version of this. According to him, the result of the meeting in 1249 was that Jon (Owen) promised Alexander that he would go to King Håkon and revoke his allegiance to him. Alexander was not satisfied with this and pursued Jon, but he died on the way.²³⁴ Nothing came of Jon’s change of sides on this occasion, but there is no doubt whatever that he had switched to the side of the new king of Scotland, Alexander III, in 1255.²³⁵ It seems unlikely that Håkon would not have learned about this during the eight intervening years. The description in the saga of Håkon’s surprise in 1263 is therefore hardly an accurate account of his real reaction. On the other hand, it is all the more illustrative as

²²⁹ “monnum þotti j ouænt efni komit, nema kongr legdi nockut gott rad til” (*HsH* 196).

²³⁰ *HsH* 196, 205.

²³¹ *HsH* 184.

²³² *HsH* 229, cf. the preceding section, pp. 129–30, on this speech.

²³³ “honum for þa einarðliga at hann kuez ei vilia riufa eiða sína við hakon konung” (*HsH* 265, Sth. 8 fol.). Nor did Torstein Kugad live in total security after two changes of side, and even if the latter switch was in favour of the Birkibeinar, they were not very well disposed towards him: “no one was a greater scoundrel than himself; some said they wanted to take him to Øra and hang him” (*Svs* 153).

²³⁴ Matthew Paris pp. 119–20. *HsH* 265 on the pursuit and death of Alexander.

²³⁵ McDonald 1997, pp. 104–5.

an example of the tendency in *Hákonar saga Hákonarsonar* to exaggerate the unexpectedness of the magnates' disloyalty to the king.

Other people's expectations

In the following I shall broaden the perspective to consider not only the king's expectations of magnates before situations where accusations of disloyalty were put forward, but also other actors' expectations. From an ideological perspective, the settlements proposed in the 1220s by Nikolas, Archbishop Peter, and Skule seemed to reflect disloyalty to the king in that they were contrasted to their previous promises of loyalty to the king.²³⁶ The saga gives indications, however, that the surprising thing on these occasions was not so much the magnates' attempts at mediation as the king's condemnation of them as disloyalty. This is particularly clear in the case of Nikolas, and it is on him that we shall focus in the following.

Nikolas's career as a mediator began early. As a young man he had tried to reconcile Sverre and Magnus Erlingsson in 1181.²³⁷ Later he played a central role in the settlements between the Baglar and Birkibeinar in 1208 and 1217, and between the Ribbungar and Birkibeinar in 1223.²³⁸ His role in initiating and brokering settlements no doubt made him controversial among those who were most implacable. The Birkibeinar accused him of being a scoundrel at the Kvitingsøy settlement in 1208, and in 1223 he had reportedly urged the Ribbungar to seek a reconciliation against the interests of the Birkibeinar.²³⁹

The harsh verdict on Nikolas's mediation of these settlements, however, is scarcely adequate to describe how this was perceived by others. First of all, the settlements were regarded as a victory for the Birkibeinar. In 1208 the Birkibeinar gained control over two thirds of the country, and it was the Baglar who had reason to be discontented.²⁴⁰ In 1223 Nikolas was accused of goading the Ribbungar to seek a reconciliation (*sett*), but the settlement was described immediately afterwards as "the finest victory the earl [Skule] had won, in that he had destroyed such

²³⁶ Cf. pp. 164–66.

²³⁷ *Ses* 60.

²³⁸ *Bs* 35, *HsH* 28, 84. Nikolas also took part in the settlement with the Birkibeinar in 1212 (*Bs* 41, *HsH* 5). In 1197 he also proposed a settlement without success (*Ses* 136).

²³⁹ *Bs* 35, *HsH* 83.

²⁴⁰ *Bs* 35, 38, 41.

a large and strong force as the Ribbungar without a battle”.²⁴¹ There is very good reason to trust the latter verdict, since it is not the saga author’s own opinion, but was an expression of what the men of Viken thought.²⁴² Moreover, *sætt* was viewed as a legitimate way to resolve conflicts at this time, despite its horizontal associations. The end of the Ribbung uprising was achieved by settlement, and as late as 1239 Håkon entrusted the archbishop with the task of establishing a truce (*gríð*) between him and Skule.²⁴³

Secondly, Nikolas played a trusted role in these settlements. The description of him as a scoundrel (*níðingr*) in 1208 was said to be due to his unreliability. This was disproved, however, by the concrete actions of the parties at the meeting, which showed that Nikolas’s prominent role in the reconciliation brought him increased honour and prestige.²⁴⁴ Before the settlement in 1223, the saga says that Skule asked Nikolas to “make plans to destroy the Ribbung faction”.²⁴⁵ Skule’s request is hard to reconcile with any perception of Nikolas as untrustworthy. If we follow the saga, Skule moreover should have had special reasons for being sceptical about Nikolas at this time, for Skule is said to have been furious with him two years before, because he refused to lend his ships, whereas he had willingly lent them to the Ribbungar just before this.²⁴⁶ Skule’s version of this, however, is contradicted by what the saga says about the Ribbungar’s “loan” of the bishop’s ships: “Sigurd had been in Oslo shortly before and there he had taken two ships belonging to the bishop, and they took ships everywhere they went.”²⁴⁷ Nikolas had not previously been more willing to lend his ships to the Ribbungar than to the Birkibeinar. This suggests that Nikolas supported neither the Birkibeinar nor the Ribbungar wholeheartedly. The fact that Skule

²⁴¹ “þessi væri hinn fegusti sigur, er jarl hafði unnit, þar sem hann hafði orostolaust eytt sua micklum flokki ok sterkum, sem Rifbungar voru” (*HsH* 84). The modern Norwegian translation of the passage is not apposite in this case, using the verb *store* about Nikolas’s initiative for a settlement. The Old Norse verb *eggja* (“to urge”) does not have the negative connotations of “pressure” that *store* has, although *eggja* acquired a more negative value in *Hákonar saga Hákonarsonar* than before.

²⁴² The statement begins with “it was rumoured in Viken” (*HsH* 84).

²⁴³ *HsH* 156, 196. See the previous section, p. 130, on settlements between Håkon and Skule.

²⁴⁴ *Bs* 35.

²⁴⁵ “hann legði rad til at eyða flokki Rifbunga” (*HsH* 83).

²⁴⁶ *HsH* 67.

²⁴⁷ “Hafði Sigurdr litlu adr verit j Oslo ok tekit þar ii skip, er byskup atti, ok hueruitna drogu þeir skip at ser” (*HsH* 62).

evidently trusted him two years later may suggest that he accepted that Nikolas adopted an intermediate position.

There were also other occasions when Nikolas was treated with much less scepticism than we might expect if saga's description of him as notoriously disloyal had been shared by contemporaries. When he sent the king a message about the Slittungar in 1218 he was believed, even though he was accused of telling lies.²⁴⁸ Distrust of him was thus not great enough to dissuade people from relying on his statement.²⁴⁹ King Håkon also used Nikolas as an adviser in this period, as Sverre had done in 1194.²⁵⁰ It is difficult to know whether the accusation against Nikolas that he had detained Arnbjørn in his pursuit of the Ribbungar in 1225 was justified by what actually happened.²⁵¹ The essential thing here is that Arnbjørn believed in the bishop's promise that he would give him good advice. He had very good reasons for this, as Nikolas was his foster-father. This illustrates how deeply involved Nikolas was in leading circles, and how tricky it consequently must have been to try to exclude him as "disloyal", no matter how much dealings he had with both parties in the area.

A general feature in these years is that the assessment of Nikolas's actions in the saga clashes with the way they were perceived by the actors. If the saga's negative verdict on him had reflected a widespread opinion, one might have expected this to have had consequences for him, yet an analysis of the way people acted shows that Nikolas was not distrusted in the situations where the saga says that he acted disloyally. This makes it reasonable to doubt the saga's presentation of his role on these occasions, partly to question whether the episodes are historical at all (it is uncertain whether Nikolas did what the saga ascribes to him), and partly to suspect the saga's assessment of his alleged actions (it is uncertain whether the saga's assessments of his actions were shared by contemporaries). What the sagas describe as disloyalty consisted of actions that were probably fairly common and

²⁴⁸ The saga says that "they stopped that day" (*HsH* 46).

²⁴⁹ In actual fact, from the subsequent course of events it looks as if the trust in Nikolas was not wholly unjustified. True, there was no attack on the Birkibeinar in Tunsberg, as Nikolas had warned, but he does not seem to have warned the Slittungar about the coming of the Birkibeinar, as the saga implied, since the Slittungar were calmly sitting in Oslo when the Birkibeinar arrived, and it was only by luck that they managed to escape (*HsH* 46–47).

²⁵⁰ *HsH* 99–100.

²⁵¹ *HsH* 118.

acceptable. This illustrates how important magnates were as supporters of the king, and how modest were the demands that the king could therefore make of them.

There are also grounds for doubting whether the saga reflects a widespread opinion when it describes shipbuilding and departure without leave as actions showing disloyalty to the king. When Skule was accused of disloyalty in 1233, shipbuilding was the only specific charge brought against him.²⁵² Eight years earlier, however, Skule had done the same without it being called disloyalty.²⁵³ It was scarcely the shipbuilding itself, but the idea behind it, that was crucial for whether it was perceived as disloyalty to the king.

The same applied to the accusations of departure without leave that were levelled against Gregorius Andresson and Snorri Sturluson in 1239–40. Firstly, magnates had omitted to ask for leave previously without having been charged with it.²⁵⁴ Secondly, Håkon did not say anything about Gregorius' omission before the conflict with Skule was a *fait accompli* two years later. If it was the failure to ask for leave that he was reacting to, it seems strange that he had not complained about it until two years had passed. It was probably his need for Gregorius's support against Skule that led to his reaction, and the main function of mentioning the alleged offence was to illustrate how accommodating the king was to Gregorius when he offered to drop the matter completely.²⁵⁵

The magnates' expectations

Up to now I have examined the kings' and other actors' expectations of magnates before the confrontations. In the following I shall turn to look at the expectations of the magnates involved. The question is whether they expected the king to accuse them of disloyalty on the occasions when this happened. I have already discussed this in connection with the confrontations, when it was evident that the magnates had a different perception of loyalty from the king's. Their statements, however, were made in the heat of the moment, so it is uncertain how much

²⁵² *HS* 174. Cf. pp. 176–77.

²⁵³ *HS* 132–35. Skule, it is true, according to the saga did a great many strange and suspicious things on this occasion in 1225, but the shipbuilding was not interpreted as disloyalty to the king.

²⁵⁴ Cf. p. 220.

²⁵⁵ The subsequent story shows that the king went to great efforts to gain his support through positive measures (pp. 221–22).

their arguments were an expression of general perceptions, and to what extent they were situational and more tactically motivated excuses. We can gain clearer insight into this if we study whether the magnates expected to be accused of disloyalty before the confrontations.

Earl Harald was fully aware that the king believed him guilty of disloyalty in 1195, for when he visited King Sverre it was to defend himself against the accusation that he had supported the Eyjarskeggjar.²⁵⁶ The same applied to Archbishop Peter and Skule, who had brokered a settlement between the Ribbungar and the Birkibeinar in 1226. They expected the king to react badly to this, since Peter avoided meeting the king for fear of being made accountable for his actions.²⁵⁷ When Gregorius Andresson visited the king in 1240, he reportedly knew that the king would accuse him of departing without leave two years earlier.²⁵⁸

This does not imply, however, that these magnates shared the king's perception that they were guilty of disloyalty. The reason why they acted as if they had been disloyal to the king was that they had been informed that this was how the king interpreted their actions. Harald had heard that Sverre was planning a punitive expedition to the Orkneys, and had travelled to the king in order to prevent this.²⁵⁹ We are told of Archbishop Peter and Skule in 1225 that they had "heard the news that the king wanted to present some letters which seemed to him to show that they had not been fully loyal to him".²⁶⁰ As for Gregorius, the king himself had sent men to him, enticing him with a reward if he came to the king.²⁶¹

The only magnate who feared the accusation of disloyalty from the king without having been warned of it in advance was Torstein Kugad, who in 1198 got his friend Gunnar Gryn timer to inquire whether he would be given quarter by Sverre before he visited him himself.²⁶² Torstein had gone over to the Baglar after agreeing with them to give up the castle in Nidaros when they threatened to rob his farm.²⁶³ Torstein's

²⁵⁶ *SLS* 125.

²⁵⁷ *HsH* 143, 147.

²⁵⁸ *HsH* 237.

²⁵⁹ *SLS* 124–25.

²⁶⁰ "hafa frett af, at kongr mundi bera upp bref nockur, þau eigi mundi honum þickia allr trunadr aa vera til sin af þeirra hende" (*HsH* 147).

²⁶¹ *HsH* 237.

²⁶² *SLS* 153.

²⁶³ *SLS* 137, cf. 108.

expectation of accusations of disloyalty can be linked to what I said initially about repeated changes of side as a peculiarly grave disloyalty.²⁶⁴ However, the offence was not so serious that Torstein did not receive quarter from Sverre. Jon Hallkjellsson, who had also changed sides several times before, unlike Torstein, did not hesitate to visit the king to receive quarter.²⁶⁵

Hitherto the analysis has concerned situations where magnates had found out about the king's accusation in advance. These contrast with the occasions when magnates were unaware of what the king had intended to do. In these last cases it seems as if the magnates visited the king without having been compelled to do so, and not knowing what awaited them. This is evident from the account in *Hákonar saga Hákonarsonar* of Jon Dungadsson's meeting with King Håkon in 1263. When Håkon arrived at Gudøy, the saga says that Jon came to him.²⁶⁶ Since it was Jon who went to Håkon, it is likely that he did so voluntarily. After Jon had told the king of his change of sides, Håkon is said to have considered using torture to get him to come back to his side again.²⁶⁷ According to Matthew Paris, something similar had happened during Jon's meeting with Alexander II in 1249, when he refused to accept that Jon had two masters.²⁶⁸ If Jon had known that the kings would not accept his behaviour, it is not certain that he would have visited them voluntarily.²⁶⁹

Nikolas Arnesson also seems to have gone to the king of his own free will in 1194, when we are told that Sverre "sent a message to Bishop Nikolas, and [...] the bishop came".²⁷⁰ In 1225 it was Nikolas himself who took the initiative to summon the king to the two meetings where Sverre accused him of disloyalty.²⁷¹ It seems unreasonable that he would have visited and summoned the king if he had known what was in store for him. The same applies to Archbishop Peter and Skule in 1226. After having sent the letter of reconciliation that the king regarded as an expression of disloyalty, they came to Bergen, where

²⁶⁴ Cf. p. 159.

²⁶⁵ *Svs* 78, cf. 77.

²⁶⁶ *HsH* 320.

²⁶⁷ *HsH* 320.

²⁶⁸ Matthew Paris, pp. 119–20.

²⁶⁹ Håkon, however, did not take the step of punishing Jon. See more about this in the discussion of the aftermath.

²⁷⁰ "gerði hann menn eptir Nicolasi byscopi oc [...] byscup com" (*Svs* 123).

²⁷¹ *HsH* 133, 138.

they had previously agreed to meet the king. It was only when they appeared before the king that they heard that he was to accuse them of disloyalty. This came as such a surprise to them that they agreed that the archbishop should leave the town to avoid meeting the king.²⁷² Before the Bergen meeting in 1233, Skule too seems to have visited the king without having known what awaited him. Two years later, and having learned from his mistake, he refused to meet the king and his retainers because he was now “more reluctant than before to be in their power”.²⁷³

The fact that magnates could not foresee that the king would accuse them of disloyalty unless they had advance warning of this suggests that it was the king's accusation that was unexpected in these situations, and not the magnates' allegedly disloyal acts. The unusual character of the accusations is also clear from the terminology. In all of the contemporary sagas it is Nikolas among the magnates who was accused of high treason and lèse-majesty (*landráðamaðr* and *dróttinssvika*), and the only indigenous parallel to the accusation against Harald of slaughter (*hervígi*) is in the description of the notorious Ribbaldar.²⁷⁴ Apart from Peter and Skule, the term *níðingr* was used only about Nikolas.²⁷⁵ The accusations were not just unusual, but also unusually harsh. This corroborates the hypothesis in the last section that the king's accusations were not formulated in a legal idiom, where the actual breach of the law was of crucial significance, but as threats of the use of physical force if the magnates did not submit. The magnates' surprise at being accused underlines once again how important unpredictability was for the king's exercise of power.

Conclusion

In the ideological perspective Sverre seemed like a king who could anticipate disloyalty from the magnates, whereas Håkon was portrayed as a king who expected their loyalty. An analysis of the kings' actions, however, as opposed to the statements ascribed to them in the saga, shows that Sverre scarcely believed so strongly as the saga implies

²⁷² *HsH* 147.

²⁷³ “ek em ofusari at vera j valldi en fyr” (*HsH* 181).

²⁷⁴ *Svs* 174. In addition the king himself, strangely enough, was described as a great instigator of *hervirki*, but this was only abroad (*HsH* 267, 276, 323).

²⁷⁵ *Svs* 131, *HsH* 229, *Bs* 35.

that the magnates would be disloyal, and that Håkon was hardly as surprised by the magnates' disloyalty as he seemed. Yet this does not imply that Sverre expected loyalty and Håkon disloyalty. The kings' actions, unlike their statements, reveal that they had more limited and modest expectations of the magnates' loyalty. As Sverre Bagge put it: "the king was obliged to trust his magnates, because it was even more dangerous not to do so."²⁷⁶

The kings' modest expectations of the magnates correspond well with what the magnates did before the confrontations. Those who had not received advance warning about the king's reaction went to see the king voluntarily, probably because they did not anticipate being accused by him of being disloyal. This suggests that it was the king's accusations, and not the magnates' reportedly unfaithful acts, that were unexpected and untypical in the confrontations. This is corroborated by the fact that the allegedly disloyal actions usually seem to have been accepted by those involved and by outsiders. Loyalty to the king, judging by this analysis, was not a statistical norm but a mainly contextually determined property. The unexpected and uncommon character of the accusations indicates that the king based a great deal of his practical exercise of power on unpredictability. Because he was relatively seldom in the presence of the magnates, it was all the more important to exploit such situations for all that they were worth. No one could or should be completely certain about where they had the king.

There is, however, an alternative explanation why the kings' accusations of disloyalty came as a surprise to the magnates, namely, that the kings in the course of the period made stricter demands on their allegiance, so that the scope of disloyalty was extended from changing sides to include mediation and breaking the law. In this case, the unexpectedness of the king's accusation may be due to the fact that things which had previously been accepted were now branded as disloyal. If this had been more than an ideological change, however, the king's stricter demands must not only have been formulated, but also enforced and observed. We must look at the aftermath of the confrontations to obtain an answer to this.

²⁷⁶ Sverre Bagge, review of Hans Jacob Orning's *Uforutsigbarhet og nærvær: En analyse av norske kongers maktutøvelse i høymiddelalderen*, *HT* 4 2005, p. 645.

3. *The Aftermath of the Confrontations: Was Disloyalty Punished?*

When we now turn from the expectations prior to the confrontations described above to look at their outcome, we still have the focus on the statistical aspect of the norm of loyalty. We have seen that the king usually obtained the magnates' submission in the confrontations as a consequence of his superior power in the situation. This purely physical advantage was not permanent, however, as it ceased to exist as soon as the king left the area. I will underline that I do not consider the role of royal officials in this connection. The question is whether the king's demand for loyalty disappeared at the same time. To what extent was the demand for loyalty in the confrontations representative of how loyalty was perceived independently of the king's presence?

If the king's call for loyalty was heeded even in his absence, this can be interpreted to show that an absolute understanding of loyalty had triumphed. If so, the king's norms had been internalized. If the king's demand for loyalty was not observed in his absence, however, it must be interpreted as a sign that a contextual understanding of loyalty still prevailed. This implies that the king's presence was still an atypical occurrence, not just in a physical, but also in a mental sense, and that the magnates felt that they had considerable freedom to act in the king's absence. As in the preceding section, this question will be examined here from both an ideological and a practical perspective.

The ideological perspective: the king gains acceptance for his demand for loyalty

In the ideological perspective, the confrontations were viewed as conflicts between magnates who were unfaithful and kings who were responsible for punishing such breaches of allegiance. This was marked by the way the king pardoned those who submitted to his judgement. In this perspective the kings' sagas indicate that the king gained acceptance for his view of loyalty after the confrontations. In this respect there is no significant difference between *Sverris saga* and *Hákonar saga Hákonarsonar*.

In the wake of the confrontation between Nikolas and Sverre in 1194, the king received the bishop's assistance in important matters which he would have found difficult to accomplish on his own. Later the same year, Nikolas played a major role when the king was crowned

in Bergen, and in addition he helped to select Sverre's court priest, Martein, as bishop of Bergen.²⁷⁷

It is even more clear that Sverre had his way *vis-à-vis* Harald the earl of Orkney after their confrontation the following year: "he [Sverre] placed Earl Harald in charge of the Orkneys on condition that the king would receive half of all the fines, and he appointed royal officials to look after this."²⁷⁸ In addition, those who had fought along with the Eyjarskeggjar lost their property to the king.²⁷⁹ The conditions were so harsh that they have been interpreted as the introduction to a new phase in the history of the Orkneys, with a much stricter subordination to the king of Norway than before.²⁸⁰

Nikolas's pledge of loyalty to King Håkon on his deathbed in 1225, for obvious reasons, had limited results.²⁸¹ However, Nikolas had already pledged allegiance to King Håkon in 1223. The pledge can be interpreted as a tightening of the king's demand, for it was not just open loyalty in the form of actions that was demanded but also "secret" loyalty, which must be interpreted as loyalty in intentions as well.²⁸² The saga does not report any accusations of disloyalty before this, but it is not unlikely that Nikolas's pledge was a response to the king's charge of disloyalty.²⁸³ In the wake of this episode, Nikolas took part in an important clerical appointment, as he had done in 1194. For immediately afterwards, Archbishop Guttorm died, and the cathedral chapter then elected Sigurd as new archbishop and sent him at once to the pope to receive the pallium. They asked the king to give his consent to this, but he was unwilling, and together with Nikolas he wrote a letter to the pope saying that they wanted to see the chapter's

²⁷⁷ *Svs* 123.

²⁷⁸ "hann setti Harald Jarl yfir Orcneyiar með þeim scildaga at konungr scyllði hafa halfan allan saceyri oc setti þar syslo-menn yfir" (*Svs* 125).

²⁷⁹ *Svs* 125.

²⁸⁰ Imsen 2000b, pp. 163–69; Helle 1974, p. 124; Thomson 1987, pp. 74, 79. In addition, the king of Scotland was increasing his presence in the area at this time (Thomson 1987, pp. 74–78).

²⁸¹ *HS*H 138.

²⁸² *HS*H 98.

²⁸³ Nikolas, as we saw in the previous section, had continuous contacts with the Ribbungar. At the same time, his assurances of loyalty in this case were probably motivated by the land transfer whereby Skule ceded control of East Norway to Håkon. It was therefore important to submit a good application to the king.

emissary to the pope as the new archbishop. “And so it happened with God’s mercy”, as the saga sums it up.²⁸⁴

The other episodes where Nikolas is described as being disloyal to the king in the period 1218–25 also had the result each time that the king received assistance from the bishop. After he had reportedly lied about the manoeuvres of the Slittungar against the Birkibeinar in 1218, the saga tells that he received the king in Oslo “with full honour”.²⁸⁵ He likewise received the king after having told the Ribbungar about the king’s plans in 1225.²⁸⁶

The king’s accusation against Archbishop Peter and Earl Skule in 1226, like the accusation against Nikolas the year before, had a limited effect, as Peter died the following year without having met the king. We saw in the previous section, however, that he feared a meeting, which is evidence that he regarded a conflict with the king as being untenable.²⁸⁷

In cases of departure without leave, the king also enforced his will. Snorri Sturluson was the only Icelandic magnate who left without the king’s permission, and it cost him his life.²⁸⁸ When the king sent men to Gregorius Andresson in Denmark in 1240 to confront him with his failure to ask for leave two years earlier, the saga says that he returned to the king and became one of his most important supporters.²⁸⁹

The confrontations which ended with the least obvious results in the king’s favour were those where magnates refused to submit unconditionally to the king. This happened in Håkon’s confrontations with Skule in 1233 and King Jon in 1263.²⁹⁰ The king nevertheless had many of his demands satisfied subsequently. The settlement with Skule was “as it pleased the king”,²⁹¹ although the author of the saga noted that, after

²⁸⁴ “Svo vard med gvd[s] mysunn” (*HsH* 100). The new archbishop was Peter of Husastad.

²⁸⁵ “med allri sæmd” (*HsH* 48), cf. *HsH* 46–47.

²⁸⁶ *HsH* 109. See also *HsH* 67, where he lends ships to the Birkibeinar, and *HsH* 83–84, where he contributes to the settlement with the Ribbungar.

²⁸⁷ *HsH* 147. When Lodin was elected archbishop against the king’s will in 1260, he saw no other option but to resign when he was unable to appease the king (*HsH* 302).

²⁸⁸ *HsH* 244.

²⁸⁹ *HsH* 237.

²⁹⁰ *HsH* 174–77, 319–20.

²⁹¹ “eptir þui, sem konginum likadi” (*HsH* 177).

the meeting, “there was never complete trust between them”.²⁹² King Jon likewise ended up complying in large measure with the king’s will after they parted in 1263: “King Jon promised to do all that he could to achieve a reconciliation between the Norwegian king and the Scottish king, and to come to King Håkon if he was sent for.”²⁹³

In the ideological perspective, then, the kings seem to have got a great deal of what they wanted from the magnates after the confrontations. This suggests that their demand for loyalty was perceived as absolute.

The practical perspective: from allegiance to friendship

In the analysis of the actual confrontations between king and magnates, I pointed out an ambiguity in the resolution of the conflict. On the one hand, the settlements were achieved on the king’s terms, as marked by the way the magnates submitted to his judgement. On the other hand, the magnates also made considerable gains from the reconciliation, because as a rule they escaped the severe punishments with which they were threatened. If we expand the chronological perspective to include what happened after the confrontations, and analyse the magnates’ actions, it becomes clear that their situational submission was mostly reshaped into a more reciprocal friendship with the king, allowing broad scope for what they could do without being branded as disloyal.

Nikolas seems to have escaped having to pay any fine or to swear the oath of allegiance that was forced on him after the confrontation with Sverre in 1194, for there is no mention of this later.²⁹⁴ On the other hand, it is reported that Sverre, after the meeting in 1194, “took the bishop with him to Bergen”, where he was shortly afterwards crowned by Nikolas and two other bishops.²⁹⁵ It is not unlikely that Sverre’s summons of Nikolas was part of a plan to get the bishop’s help to be crowned, for Nikolas was probably the only cleric who had the power and capacity to carry out a coronation against the will of the pope and the archbishop. From *Sverris saga* it is impossible to decide whether

²⁹² *HS* 177.

²⁹³ “het jon kongr þui at draga alt til sætta við þeim skotakongi ok finna hakon kong ef hann sendi honum ord” (*HS* 322).

²⁹⁴ Nikolas’s oath of loyalty to Sverre is mentioned by the pope, but this probably refers to the oath from his consecration as bishop in 1190 (see Lunde 1970, p. 53; Joys 1948, p. 83).

²⁹⁵ “hafði byscup norðr til Biorgyniar með ser” (*Svs* 123).

Sverre had this in mind when he summoned the bishop, but according to the English chroniclers Roger of Hoveden and William of Newburgh, the reason Sverre succeeded in obtaining Nikolas's participation in the coronation was that he coerced him.²⁹⁶ In purely practical terms, it must have been perfectly possible for Sverre to keep Nikolas in custody during the three months or less that elapsed between the confrontation and the coronation.²⁹⁷ If so, this means that Sverre's demand for loyalty in this episode cannot be interpreted as typical, but as a special case necessitated by tactical considerations.

Sverris saga implied, however, that Sverre tried to gain more sincere support from Nikolas, for it tells us that the king after the coronation "gave them [the bishops] good gifts, and they parted as friends".²⁹⁸ The same thing happened when Jon Dungadsson and King Håkon parted in 1263. Here it is beyond all doubt that Håkon kept Jon in custody, but he nevertheless ended their time together by bestowing gifts on Jon.²⁹⁹ The king obviously realized that obtaining oaths of allegiance under duress was not sufficient to gain the magnates' continued support. The result was therefore that he tried to turn the relationship into a more positively defined friendship by giving them gifts.

Yet it soon proved that the kings failed in their attempts to ensure the future friendship and loyalty of Nikolas and Jon on a voluntary basis. The next time Nikolas is mentioned in the saga after his "release", he had joined the archbishop in Denmark.³⁰⁰ His defection to the archbishop and his subsequent initiative to establish the Baglar faction, however, was not described as disloyalty.³⁰¹ This might suggest that his change of sides was not perceived as a breach of loyalty.

²⁹⁶ Roger of Hoveden and William of Newburgh, quoted from Gustav Storm's translation (Storm 1901, pp. 176, 182). See also Helle 1974, p. 87; Lunden 1976, p. 99.

²⁹⁷ *Svs* 123. The Eyjarskeggjar were defeated at Florevåg on 2 April, and the coronation took place on 29 June 1194. It is uncertain when in that space of time Nikolas was summoned to Sverre.

²⁹⁸ "konungr gaf þeim ollum gopar gíafar oc scilþuz þeir við miclom kærleic" (*Svs* 123).

²⁹⁹ *HsH* 320, 322.

³⁰⁰ *Svs* 128.

³⁰¹ In *Svs* 129 Nikolas's journey to Denmark and his contribution to the formation of the Baglar faction are described neutrally. It was only after he met the Birkibeinar again that terms of disloyalty were used (*Svs* 131). The situation in the mid-1190s was special, as Sverre had been excommunicated, and this excommunication also affected the bishops who had crowned him (*DN* VI 7 (1198)).

It did not take long before King Jon of the Hebrides betrayed King Håkon's cause. He is not mentioned during the negotiations for a settlement between Håkon and the king of Scotland. On the other hand, he went after the Norwegians shortly afterwards and killed some of them.³⁰² This was not called disloyalty, perhaps because Jon, by not severing his connection with the king of Scotland, had signalled a less binding relationship to King Håkon. Håkon made no more attempts to win him over to his side again, instead placing other rulers over the Hebrides when he left the area.³⁰³

The only confrontation where doubts can be raised as to whether friendship was the result or was the king's intended goal was when Earl Harald of the Orkneys and Sverre met in 1195. The meeting ended, true enough, with Harald submitting to Sverre, who promised him mercy. Yet this meeting, unlike the meetings with Nikolas and Jon, did not end with the parties forging a friendship and exchanging gifts, but with the earl swearing allegiance to the king.³⁰⁴ In addition, Sverre imposed sterner conditions for the reconciliation than those implied by his talk about mercy, and sterner than what had been common for earls of Orkney before this.³⁰⁵ This could suggest that Sverre chose a different strategy here, attempting to assert a strict, coercive mastery rather than a more reciprocal and voluntary lordship.

If Earl Harald's submission to Sverre marked the beginning of a stricter subordination of the Orkneys under the Norwegian king, this still cannot be taken as a sign that the loyalty of the earls to the king of Norway became more absolute in character than before. Rather, in what happened afterwards the contextual element of the earls' loyalty is particularly clear, for their subsequent loyalty was a function of the power position of the Norwegian kings at home. As soon as Sverre was dead, Earl Harald killed the king's *sýslumaðr* and kept the fines for himself.³⁰⁶ When the Norwegian kings were reconciled in 1208, Harald's sons had to bite the dust and visit the king again. This time, not only were the stricter conditions maintained, but the earls had to

³⁰² *HS*H 326.

³⁰³ *HS*H 326, *ML*s 353–55, 357.

³⁰⁴ *Sv*s 125. Towards the end of the 1100s, Harald was experiencing increased pressure not just from the king of Norway but also from the king of Scotland (Crawford 1971, pp. 64–111). Harald was under all-round pressure in a similar way to Jon Dungadsson in the Hebrides half a century later.

³⁰⁵ Cf. p. 212.

³⁰⁶ *B*s 40.

give hostages as well.³⁰⁷ The fact that a major expedition had been sent to ravage the islands undoubtedly made the earls more willing to cooperate.³⁰⁸ The first years of Håkon Håkonsson's reign provided a new occasion for the earls of Orkney to free themselves from the grip of the Norwegian king, for in the wake of the national assembly in 1223, where Håkon's right to the throne was established, Earl Jon went to see the king, and we are told that he was reconciled with the king and gave him his son as a hostage.³⁰⁹ After this it looks as if Jon tried to maintain friendlier relations with King Håkon, for five years later he came voluntarily to the king, and they exchanged gifts.³¹⁰ As a result he avoided being harried by the Norwegians in 1230–31, but shortly after a powerful opposition was formed in the Orkneys, which was to be his downfall.³¹¹ After this it was in the Hebrides that loyalty varied according to relations of strength in Norway, as we saw above.³¹²

Nikolas Arnesson's relationship to King Håkon in the 1220s does not seem to have changed significantly from his relationship to Sverre in the 1190s. Nikolas, as we have seen, was forgiven twice by King Håkon in 1225, and both times they were on friendlier terms shortly after the confrontations. After his pledge of allegiance to the king in 1223, it is also clear that friendly relations were established between the two men, for, as in 1194, Nikolas was subsequently used as a royal adviser on the tricky election of a bishop.³¹³ It was a friendship between unequal parties, as demonstrated by the fact that the king gave Nikolas a *ýssla*, a gift that Nikolas could not possibly repay in equal measure. The relationship nevertheless had distinct traits of equality. This is evident, firstly, from the fact that they exchanged gifts.³¹⁴ Secondly, Nikolas was not obliged to accept the king's offers and terms, for when the king invited him to a feast he replied that "he would willingly accept if he

³⁰⁷ *Bs* 40.

³⁰⁸ *Bs* 39–40.

³⁰⁹ *HsH* 101.

³¹⁰ *HsH* 162. A factor contributing to the good relationship was probably that the king of the Hebrides at this time was "very disloyal to King Håkon" (163).

³¹¹ *HsH* 163–71. The matter was brought before King Håkon for his judgement. This was fatal for the island in that a number of the leading islanders were either executed, detained in Norway, or lost at sea on the way back (172–73).

³¹² Cf. the section on loyalty in the confrontations, pp. 178–80.

³¹³ *HsH* 100. Cf. pp. 211–12.

³¹⁴ "The bishop [...] gave the king a fitting welcome and bestowed many gifts on him" (*HsH* 99).

did not have favourable wind conditions before the third day”.³¹⁵ He had considerable latitude in what he could permit himself *vis-à-vis* the king, and through his behaviour he signalled that he did not rank friendship with the king above everything else. The interesting thing is that the king maintained this friendship even though Nikolas scarcely fulfilled his obligations in the relationship.

Håkon’s tolerant treatment of Nikolas in this case is not untypical of his attitude to him. We saw in the previous section that Nikolas had enjoyed great trust before the confrontations, and that he was not blamed after them despite his alleged disloyalty. After Nikolas had reportedly deceived the Birkibeinar in 1218, he received the king with full honours. There is no mention here of the king having anything to accuse him of.³¹⁶ A year or two later the king even allowed himself to be put off with less than full honours. When the bishop was accused of having divulged information to the Ribbungar in 1225, one might have expected him to act all the more modestly towards the king after this. However, the saga says that he refused to give the king houseroom, and this was not called disloyalty.³¹⁷ As long as he offered him “everything fitting”, which in this cases consisted in sending food to the king, the latter was content.³¹⁸

The characteristic thing about Nikolas’s position with the king is the sudden switch between the king’s accusations of disloyalty and the high esteem he enjoyed with the king. His confrontations with the king in 1190, 1194, 1218, 1223, and 1225 clearly reveal the contrast between the king’s accusations of disloyalty and the subsequently forbearing treatment. The same type of switch is seen in connection with Torstein Kugad, who after having surrendered the castle in Nidaros to the opposition twice in the 1190s, he had gone over to the Baglar.³¹⁹ In 1198 he visited Sverre and was given a truce, whereupon he seems immediately to have resumed his former position.³²⁰

³¹⁵ “Byskup letz þann kost giarna taka mundv, ef honum byriar ei fyrir þridia dag” (*HsH* 99).

³¹⁶ *HsH* 48.

³¹⁷ *HsH* 109.

³¹⁸ “alla sæmiliga hlute” (*HsH* 109). Nikolas may have condemned Håkon for his plans for the expedition against Vermland, since he defended his reluctance with the statement that wolves and calves could not stay under the same roof.

³¹⁹ *Svs* 108, 137.

³²⁰ This benefited not only himself but also the king, for the saga ends the chapter as follows: “The king often let Torstein speak at assemblies and hird meetings and tell

As characteristic as the actual contrast between situational submission and subsequent friendship is the fact that this does not seem to have been perceived as a contradiction by the people involved. Nikolas seems to have continued as before in his role as middleman and broker between the Birkibeinar and the Ribbungar, even after he had made a more binding pledge of allegiance than before in 1223. Not only did Nikolas fail to observe these demands for loyalty, he was not censured for his alleged intrigues, not even by the king, who contented himself with his half-hearted invitations. When the saga reports this without evasion, it shows that there was scarcely any ideal that magnates like Nikolas should display absolute loyalty to the king. Based on a study of Saxo, Lars Hermanson has declared that Danish kings did not so much delegate power as share it.³²¹ It is easy to agree with this statement as regards the Norwegian kings too.

Håkon's conflict with Archbishop Peter and Skule in 1226 was also redefined from submission to friendship. The king accused them of dastardly behaviour (*níðingsverk*) for having achieved a truce between the Ribbungar and the Birkibeinar without consulting him, and summoned them to a meeting in Bergen to answer for this. The archbishop did not come for fear of the king's reaction, but Skule turned up to meet the king.³²² Skule's alleged treachery was not mentioned at the meeting, however, and it is unlikely that Håkon brought the matter up at all, for the saga says that he was busy resolving other issues, and they were all resolved "in consultation with the earl".³²³ Skule was thus treated as if nothing had happened, and the archbishop was not mentioned.

Håkon and Skule met again the following year, and it is also reported that everything was "friendly" between them.³²⁴ The archbishop had died in the meantime, but Skule's good relations with the king were now overshadowed by yet another suspicious incident in addition to the earl's unmentioned villainy. When they met, Skule was on his way to Valdemar, king of Denmark, with a large fleet, without having asked

about the Baglar" (*Svs* 153). This also applied to magnates like Erling Rumstav, Knut Håkonsson, and Gregorius Andresson (*HsH* 149; 147 and 157; 237).

³²¹ Hermanson 2000, see note 64# in the introduction.

³²² *HsH* 147.

³²³ "med jarls radi" (*HsH* 147).

³²⁴ "allir hlutur foru þá blidliga mille kongs ok jarls" (*HsH* 157).

for leave.³²⁵ The saga implies that the intention behind Skule's visit was to mobilize support against Håkon, for when he went to the Danish king the year after, we are told that they had secret conversations, a sure sign in the sagas that dirty business was afoot.³²⁶ The fact that Skule was on his way to Denmark without the king's leave, however, is not described as a breach of the law or as anything that provoked a reaction from the king. On the contrary, the saga says that Håkon not only gave Skule leave, but also lent him ships and men from Viken for the journey.³²⁷

Håkon's forbearance towards Skule is in striking contrast to his reaction to the departure of Gregorius Andresson and—especially—Snorri Sturluson without leave more than ten years later.³²⁸ Moreover, we are told several times that the requirement to ask for the king's leave was observed.³²⁹ To understand and explain the king's so different reactions to the same breach of the law, it is not fruitful to use a modern understanding of law, with legislation stating in absolute terms what people are obliged or forbidden to do, and with failure to punish breaches of the law standing out like a deviation from the ideal order. It is doubtful whether the king thought in such absolute terms. He seems rather to have based his judgements on a contextual understanding. Each case was in large measure unique, because the specific circumstances in which the law was broken were always different, as was the magnates' social distance to the king.

When it comes to Snorri, Håkon was the first to admit that killing him was too severe a reaction to his failure to ask for leave. When Snorri's son Órækja came to him after the homicide, the saga says that the king quickly forgave him and his father: "his father would not

³²⁵ *HsH* 157. The reason stated for the departure without permission is that they met by chance, and that Skule afterwards changed his plans and followed the king. *HsH* 159 on Peter's death.

³²⁶ *HsH* 161. Cf. *HsH* 14 on Skule's secret "night meetings" in 1217. On secret letters, see e.g. *HsH* 20, 133, 138.

³²⁷ *HsH* 158, 161.

³²⁸ *HsH* 237, 244. See also his strict enforcement of the requirement to ask for leave in relation to the Scottish knight Missel (*HsH* 307).

³²⁹ In the majority of these cases it was scarcely the question of asking for leave itself, but other events connected with it that led to its mention. It could happen that those who were given leave to depart died or were close to losing their lives on the subsequent journey (*HsH* 161, 173, almost killed *HsH* 109). On one occasion it is clear that the king's right to grant leave was used as a way to underline the king's power (*HsH* 258, partly *HsH* 6). It is only in connection with Icelandic magnates that the king's granting of leave seems to have played an important role, cf. the next section.

have been killed if he had come to see me.”³³⁰ The reason Snorri had been killed was primarily that Snorri’s Icelandic rival Gizurr Þorvaldsson used the offence as a welcome excuse to get rid of a troublesome opponent. It was therefore primarily factors other than not asking for the king’s leave that lay behind the killing of the offender in this case. I shall look more closely at this in the following chapter about the king and the Icelandic magnates.

Gregorius Andresson’s offence provoked a much milder reaction from the king than Snorri’s. This was partly because it was easier to win Gregorius over to his side in the conflict with Skule than in the case of Snorri, in that he, unlike Snorri, had not sided with Skule. Another reason is that it was even more important to have Gregorius on his side, because he had a significant power base in Norway. Instead of treating the failure to ask for leave as a breach of the law, the king contented himself with calling it strange, and informed Gregorius that he “promised him honour according to how loyal he was”.³³¹ It also happened on other occasions that the king allowed a “trial period” for men who came over to his side.³³² The focus was thus not on the fact that the deed was against the law, but on the intentions of the person who performed it. The essential thing here was that, as soon as Gregorius showed a desire to support the king, the king was ready to forgive him. The emphasis was on the pragmatic and contextual aspect of the deed, and not on the absolute principle. Was the action an expression of intended opposition to the king, or was it not? That was the crucial question. If the magnates were willing to back the king, he for his part was willing to overlook their infringements of the law.

Håkon’s pragmatic attitude to breaches of the law by magnates was probably the reason he ignored Skule’s departure without leave in 1227. He was neither powerful enough nor interested enough to try to prevent Skule from going to see his opponents. In practice it was through positive means and not negative sanctions that he tried to win Skule’s loyalty and friendship. The higher the status and position of a magnate, the more indulgent the king had to be if he wished to enjoy

³³⁰ “eigi mundi fadir hans dait hafa, ef hann hefði komit j minn fund” (*HsH* 244).

³³¹ “het honum sæmdum eptir þui, sem hann reynde trunad hans til” (*HsH* 237).

³³² It is said of the leader of the Ribbungar, Erling Rumstav, for example, that he asked for a truce with the king in 1227, and after having taken part in an expedition where forty Ribbungar were killed, “the king held Erling to be a loyal man and said that he had cut his way to become a royal vassal” (*HsH* 149).

his support. It is precisely this adjustment of the judicial instruments to suit a person's esteem that shows the king's more contextual than absolute attitude to laws—and to magnates.

The king's indulgence was not without limits, however. Occasionally he had to put his foot down. It could cost too much to buy the support of a magnate. If magnates knew in advance that they would meet the king's outstretched hand, then the king's position was weak. An element of unpredictability was necessary for effective exercise of royal power. The king's indulgent attitude to Skule ended when they met in Bergen in 1233, when the king demanded his obedience and service. In the situational analysis I pointed out that this was not so much presented as a legal demand, but more as a provocation against Skule, which the saga explained as a consequence of the king being goaded on by his vassals.³³³

It is characteristic of *Hákonar saga Hákonarsonar* that Håkon's mixture of intransigence and indulgence to Skule is depicted as a result of the influence, respectively, of vassals and clergymen. While the vassals are portrayed as the source of discord, the archbishop tried to achieve friendlier relations between the two men. The historical truth of this division of roles may be doubted. The crucial thing here is that the result was an unpredictability in Håkon's behaviour towards Skule. On the one hand Håkon used his advantage when he had reason to do so, as we saw in 1233. Three years later he refused to accept Peter as Skule's heir.³³⁴ On the other hand, he could be accommodating to Skule. In 1233 and 1236 the bishop reconciled them, and in 1237 Håkon himself tried to appease Skule by giving him the title of duke.³³⁵ It was scarcely Håkon's goal to eliminate Skule completely. Even if he wished Skule to have the most subordinate position possible, his aim all the time was to retain him as a friend. When Skule did not turn up for the meeting as agreed in 1239, the archbishop established a truce between them,³³⁶ and even after conflict broke out, Håkon and the archbishop discussed the possibilities of a settlement.³³⁷

³³³ *HsH* 177, cf. the section on loyalty in the confrontations, p. 182.

³³⁴ *HsH* 187.

³³⁵ *HsH* 177, 187, 190.

³³⁶ *HsH* 199, 205.

³³⁷ *HsH* 222. In the article "Håkon Håkonsson, Skule Bårdsson og norsk statsdannelse i første halvdel av 1200-tallet" (*HT* 1 1997(a)) I argue that the conflict between Håkon and Skule in the 1230s has features in common with feuding.

Skule likewise does not seem to have thought that the conflict with Håkon was beyond repair. The saga author described the acclamation of Skule in late 1239 as king as a revolt, but Skule himself justified it in terms of the shame he had suffered at the hands of the king, and as a counter to the king's alleged desire to deprive him of the third of the country that he had governed as earl.³³⁸ Skule's views were scarcely unreasonable. The redistribution of territories two years earlier had probably reduced his power, and many of the king's men were eager to attack his position.³³⁹ Questions have been raised about Skule's strategic ability in 1239, because he did not apply the whole of his forces to take Håkon by surprise, but instead sent men out in all directions.³⁴⁰ Skule's reason for not sending all his men against Håkon may, as Knut Arstad has argued, have been a clever strategic move.³⁴¹ It could also be that he did not primarily want to kill Håkon. His aim may have been to build up such a strong position that it would be impossible for Håkon to deny him a position as a co-ruler. He placed his biggest forces in areas where Håkon was weakest, in North Norway and East Norway. North Norway fell when Håkon captured Nidaros, but Skule managed to build up a powerful position in East Norway, and Håkon had a large portion of luck when he finally succeeded in defeating him so decisively at Oslo in 1240.³⁴²

Håkon's dealings with Skule are not typical compared with his relationship to other magnates, because Skule was so powerful that he was in many ways the king's equal. The conflict between Håkon and Skule was also described differently from the conflicts Håkon had with other magnates, in that it is portrayed as inevitable and provoked by the vassals. In my opinion, however, this should be considered in the context of ideological factors too. The conflict took place at a socially acceptable level of tension within the framework of the political games until Skule assumed the title of king in 1239, and even after this the possibility of a settlement was not out of the question. This means that I disagree with Kåre Lunden and Sverre Bagge, who in large measure view the conflict after 1233 as inevitable, because they believe that

³³⁸ *HsH* 199.

³³⁹ Lunden 1976, pp. 200–2.

³⁴⁰ See, for example, Bagge 1996, p. 133.

³⁴¹ Knut Arstad, "...underlig forjaget og planløs..." Strategi og feltherreegenskaper i Norge i første halvdel av 1200-tallet", in K. P. L. Arstad (ed.), *Krigføring i middelalderen: Strategi, ideologi og organisasjon ca. 1100–1400*, Oslo 2003, pp. 27–61.

³⁴² See, for example, Lunden 1976, p. 205; Orning, 1997a, p. 16; Arstad 2003.

Håkon from that time on worked deliberately to outmanoeuvre Skule and his men.³⁴³

When Skule came to the king in 1234, the saga reports: “all went well between them, as always when they were together.”³⁴⁴ In 1233 and 1236 their concord was marked by the fact that they dined at the same table.³⁴⁵ This was not exceptional for the king’s relationship to Skule. The king’s presence was crucial for whether he received the magnates’ loyalty or not. The reason for this was that loyalty to the king was of a decidedly contextual character. When his absence caused problems, it was not so much because there were malicious slanderers, but more because the norm of loyalty to the king was weak as long as he himself was not physically present.

Conclusion: the significance of presence

In the conflicts with magnates, the kings in their statements operated with a *dichotomous model* of loyalty, with just two categories in which to place magnates: loyal or disloyal to the king. There was no intermediate category. Loyalty to the king was an absolutely defined norm that a person could observe or else break. In an ideological perspective one can get the impression that the king tried to gain acceptance for the absolute demands of loyalty that he made in confrontations with magnates, also afterwards, and that he came a long way in achieving this.

In the practical perspective, however, it is characteristic when we extend the chronological horizon that the kings usually failed in imposing their strict demands of loyalty after the confrontations, and that the situationally determined subordination was reshaped into a more reciprocal friendship between the parties. An important reason why the magnates submitted was that they had other perceptions of what loyalty to the king entailed. The magnates seem to have acted on the basis of a *continuum model* of loyalty, which differed from the dichotomous model in that the question was not primarily whether one was loyal or disloyal to the king, but to what extent loyalty and disloyalty were relevant concepts at all for assessing one’s relationship to the king. Loyalty and disloyalty were, at best, two opposite poles in a system

³⁴³ Lunden 1976, pp. 198–208; Bagge 1996, pp. 113–14.

³⁴⁴ “for allt vel með þeim, sem jafnan er þeir voru badir saman” (*HsH* 179).

³⁴⁵ *HsH* 177, 187.

where there was considerable leeway for what the magnates could do without being perceived as disloyal (or loyal) to the king.

The reason for the kings' failure to impose their absolute demand for loyalty should largely be sought in that fact that, in practice, they were forced to show great indulgence towards the magnates, because they had a significant power base independent of the king's power. It was an impossible task to try to control magnates by asking them to display stable, absolute loyalty. It was rather a matter of taking what one could get. Magnates could be an obstacle to the kings by not supporting them wholeheartedly, but this was trifling compared to the problems the king could anticipate if he attempted a general confrontation with magnates on account of their inadequate loyalty. This would not only have turned the magnates' friends and kinsmen against him, but also many other magnates, who would find it a threat to their position that actions which they themselves considered acceptable and worthy of respect were disapproved by the king.

If the kings' attempts to uphold their demands for loyalty were not successful after the confrontations, however, it cannot just be interpreted as a result of their lack of power; it was also a consequence of their reluctance to pursue their aim. In practice the kings did not act on the basis of a dichotomous and absolute model of loyalty whereby loyal supporters were included and disloyal men were excluded. Instead of insisting on the magnates' submission, the kings instead took the initiative to forge friendships with them, marked by the way the kings often bestowed gifts on the magnates or held feasts for them before they parted. As a rule, this process started already with the actual resolution of the conflict, where the king, by forgiving magnates or giving them quarter, laid the foundation for such friendships.

This suggests that it was not a consistent administration of the law based on absolute loyalty that lay behind the king's demand for loyalty in the confrontations. The demands cannot be considered typical, since they mostly came as a surprise to the magnates, and since they were not subsequently observed or enforced to any great extent. They therefore cannot be regarded as reflecting a statistical norm of loyalty. How then should the demands for loyalty be interpreted? I think we must view them chiefly as expressing a ritual or symbolic supremacy. For a moment the king seemed like God, and the magnates like repentant sinners. In a society where great importance was ascribed to rituals as reflection of a higher order, this form of submission could hardly fail

to make an impression. I shall return to this ritual aspect of the king's exercise of power in the conclusion to this study.

The king's lordship was not primarily based on constant exercise of power, but rather on the contrast between the subordination shown to him when he was present and when he was absent. This form of control should be viewed in the light of the king's contextual attitude to loyalty. What *we* perceive as significant, and therefore problematic—differences from one situation to another, or a discrepancy between statements and actions—was scarcely a great problem to the kings, if they were aware of it at all. They did not find it problematic that magnates could suddenly change roles, from betraying the king to counselling him. The reason the kings did not view such reversals as a problem was that they scarcely had any ideal of ruling consistently—or “justly”—on the basis of an absolute and abstract standard. Both king and magnates knew that it was the king's physical presence that was crucial for the kind of loyalty he could obtain.

When summing up the prior history of the confrontations, I mentioned that one reason why the king's demand for loyalty came as a surprise to magnates could be that these demands were tightened, and that actions which had previously been accepted (mediation and breaches of the law) were now censured by the king. The analysis of what happened after the confrontations indicates that this was not really the case, as the primary function of the demands was still to exert pressure to achieve friendly relations. The friendship that Nikolas Arnesson forged with Håkon in the 1220s was not very different from his friendship with Sverre thirty years earlier, since it allowed him considerable latitude in what he could get up to without being accused of disloyalty to the king. The tense relationship between Håkon and Skule lasted for several decades within acceptable social boundaries, despite the fact that Skule went far in refusing to submit to the king.

The reshaping of the king's situational advantage into more permanent relations of friendship with the magnates did not always succeed, however. The confrontation between Sverre and Earl Harald in 1195 was not resolved by the forging of a friendship, but by Harald swearing allegiance to the king and being obliged to accept much tougher conditions than before.³⁴⁶ The same royal intransigence can be detected in Håkon's reaction to Snorri Sturluson's offence in 1239, which ended

³⁴⁶ *SvS* 125.

with Snorri being killed.³⁴⁷ The kings' demands for more permanent subordination on the part of Harald and Snorri are in striking contrast to the indulgence they showed to similar breaches of the law committed by Nikolas Arnesson and Gregorius Andresson at the same time.³⁴⁸ The difference between Harald and Snorri on the one hand, and Nikolas and Gregorius on the other, is that the latter were magnates with their base in mainland Norway, while the former were in the western isles. The episodes show a possible difference in the kings' treatment of magnates from central and peripheral areas; mastery at the centre may have been built on voluntary relations of friendship, whereas they may have been based to a greater extent on coercive subordination in the periphery. This is an aspect that I shall explore more closely in the chapter about the king and the peasants.

To conclude this part, however, I shall consider an area where we are in the privileged position of having several sources dealing with the relationship between king and magnates in the same period, namely Iceland. This gives a unique opportunity to compare different ideological perspectives on the same course of events. Iceland differs from the kingdom of Norway in that before 1262/64 it was not formally subject to the Norwegian king. On the other hand, most Icelandic magnates in the thirteenth century, like most of the magnates in Norway itself, were attached to the king's hird. Moreover, Iceland's peripheral location does not put the island in any special position in relation to the rest of the Norwegian realm, for the king's relationship to magnates everywhere was usually characterized by a considerable physical distance. The great distance between Iceland and Norway may in fact help to clarify characteristic features of this relationship.

4. *Icelandic Magnates: Disloyal King's Men or Rival Chieftains?*

The relationship between the king and Icelandic chieftains in the thirteenth century occupies a special position in the source material from the period, not just because it is described in two sources, but also because the sources are mutually dependent.³⁴⁹ The Icelandic chieftain

³⁴⁷ *HsH* 195, 244, cf. *Ísl* 151.

³⁴⁸ *Svs* 123, *HsH* 372, 243.

³⁴⁹ The designation "chieftain" basically means the same here as "magnate"—a man of considerable power. Only Icelanders are called chieftains here because this

Sturla Þórðarson wrote both *Hákonar saga Hákonarsonar* and *Íslendinga saga*, on which most descriptions of the relationship between king and chieftains in *Sturlunga saga* are based.³⁵⁰ The mutual dependence of the sagas can be a problem if one wishes to use them as sources for the history of events, in that they can only be employed to a limited extent for reciprocal checking of the correctness of specific statements. My aim, however, is not primarily to clarify *what* happened, but to analyse the attitudes expressed in the sources, and in this respect the mutual dependence of the sources is, if anything, an advantage. Since there is no great discrepancy between the two sagas in their accounts of what happened, any differences between them must be due to differing perspectives on the historical events. Finally I shall examine how Sturla may have combined these perspectives. The main approach in this chapter consists in using the two sagas to illustrate the differences between the presentation of the kings' mostly absolute perception of loyalty and the more contextual perception of loyalty espoused by the Icelandic chieftains.

It took almost half a century from the first plan to bring Iceland under the Norwegian king until this was achieved.³⁵¹ In 1262/64 Iceland became a part of the kingdom of Norway, as marked by the oath of loyalty sworn by the peasants to the king at the quarter *þings*, along with a pledge to pay tax to the king. However, the subjection of Iceland can also be viewed as a result of the fact that an increasing number of Icelandic chieftains in the thirteenth century were joining the king's hird. This corresponds to the two forms of subordination that I analysed in the part about ideal subordination: that of the peasants, based on

is an established scholarly term, and because, unlike Norwegian magnates, they lived in a society without a king. Icelandic chieftains, however, will be called magnates in contexts where their subordination to the king is a crucial factor.

³⁵⁰ Sturla wrote *Hákonar saga Hákonarsonar* in 1264–65, and *Íslendinga saga* probably between 1271 and 1284 (Jakob Benediktsson 1972, p. 358). The relationship between king and chieftains is also described in *Þórðar saga kakala* and *Þorgils saga skarða*, the author of which we do not know, but the description of the relationship in these sagas does not differ significantly from that in *Íslendinga saga*. In the following I will state which individual saga is being considered, but in general I treat the different sagas in *Sturlunga saga* as a whole unless otherwise specified.

³⁵¹ The kings' sagas state that Olav Haraldsson already had plans to bring Iceland under Norway, but this remains an isolated episode, the historical reliability of which is uncertain (Jón Jóhannesson 1969, pp. 186–87). For Icelandic background, cf. Gunnar Karlsson, *Iceland's 1100 Years: the History of a Marginal Society*, London 2000; Helgi Þorláksson, "Historical Background: Iceland 870–1400" in McTurk 2005, pp. 136–54.

lýðni, and that of the hird, based on *þjónusta*.³⁵² It is the latter type of relationship that I shall emphasize in the rest of this chapter.

The tense relationship between the Norwegian king and the Icelandic chieftains has been a major theme in Icelandic historiography, where it has often been held up as a unique antagonism, caused by the Icelanders' unusually strong desire for independence and freedom.³⁵³ This kind of tension, however, was just as characteristic of Norwegian magnates' relationship to the king, and can be explained by the dual role of the chieftains as local magnates and royal representatives. The great physical distance between the king and the Icelandic magnates does not give the Icelanders any special position either, since this concerned, to varying degrees, all the magnates who did not attend the king in court.³⁵⁴ The Icelandic case is described in a unique manner, but it illustrates a general problem. It can therefore help to clarify tensions that also existed in mainland Norway, but which have not been described or were not as manifest there.

Hákonar saga Hákonarsonar and *Sturlunga saga* have roughly concordant versions of who came to Iceland on behalf of the king. At first the king sent Icelandic chieftains, who were simultaneously his hirdmen, to Iceland to plead his cause. The sagas agree that Snorri Sturluson went to Iceland in 1220,³⁵⁵ Sturla Sighvatsson in 1235,³⁵⁶ Þórðr kakali Sighvatsson in 1247,³⁵⁷ Gizurr Þorvaldsson, Þorgils skarði Böðvarsson,

³⁵² Interestingly, however, formal submission was not based on *lýðni*, but on *þjónusta* and *trúnaðr*, probably because the relationship denoted by *lýðni* was too impersonal and alien (*Gamli sáttmáli* in *NgL* I 460–62). Patricia Pires Boulhosa has recently challenged the widespread view that *Gamli sáttmáli* is from 1262/64; she believes that both this version and the one usually dated to 1302 are constructions from the fifteenth century (*Icelanders and the Kings of Norway: Medieval Sagas and Legal Texts*, Leiden 2005). Her opinion has not won general support (see e.g. Helgi Þorláksson, review of Patricia Pires Boulhosa's *Icelanders and the Kings of Norway. Medieval Sagas and Legal Texts*, *HT* 1 2007, pp. 142–47).

³⁵³ See for example Einar Ól. Sveinsson, *The Age of the Sturlungs*, New York 1953 (orig. 1944); Jón Jóhannesson 1969. Preben Meulengracht Sørensen also sets up a contrast between Norway and Iceland (Sørensen 1995, pp. 121–47). Jesse L. Byock has written about the connection between saga studies and Icelandic nationalism in “History and the Sagas: The Effect of Nationalism”, in G. Pálsson (ed.), *From Sagas to Society*, Hisarlik 1992, pp. 43–60.

³⁵⁴ Cf. the introduction pp. 43–44.

³⁵⁵ *HsH* 59, *Ísl* 38.

³⁵⁶ *HsH* 180, *Ísl* 92, 139.

³⁵⁷ *HsH* 257, *Bk* 45–48, *Ísl* 164.

and Finnbjörn Helgason in 1252,³⁵⁸ and Gizurr Þorvaldsson in 1258.³⁵⁹ According to *Íslendinga saga*, but not *Hákonar saga Hákonarsonar*, Snorri Sturluson went to Iceland as Skule Bårdsson's earl in 1239.³⁶⁰ As the king gradually realized that the chieftains were not succeeding in their mission, he began to send Icelandic, Norwegian-born bishops together with them or instead of them. Here too, the sagas are in agreement that the Norwegian-born bishops Heinrek and Sigvarðr were sent to Iceland (the former in 1247 and 1252, the latter in 1254).³⁶¹ From the 1250s on, however, the king used even stronger instruments when he sent Norwegian hirdmen to Iceland, partly to check that chieftains and bishops were doing what they were supposed to do, partly to ensure, on their own initiative, that Iceland came under the Norwegian king. This is where the two sagas agree least. It is only Hallvard Gullsko's expedition in 1261–62 that is reported in both sources.³⁶² According to *Hákonar saga Hákonarsonar*, Sigurd Silkeøye went to Iceland in 1254, Ivar Engelsson the year after, Toralde kvite in 1258, and Ivar Arnljotsson and Pål Linsauma in 1260.³⁶³ Of these, only Ivar Arnljotsson is mentioned in *Þorgils saga skarða*, where he is furthermore confused with Ivar Engelsson.³⁶⁴

The increasing discrepancy between *Hákonar saga Hákonarsonar* and *Sturlunga saga* in their descriptions of these events in the course of the thirteenth century can be viewed against the background of their differing outlooks on loyalty to the king. From the absolute royal perspective in *Hákonar saga Hákonarsonar*, the aim was to bring Iceland under the Norwegian crown. Icelandic magnates should constitute as transparent intermediaries as possible between the king and his subjects, with the extended royal control ensuring that they did not deviate from the royal aim. This is reflected in the progression of the subjection of Iceland. While Icelandic magnates were initially dispatched solely to promote the king's cause (Snorri, Sturla), later the king attempted to control them, first through bishops (Heinrek), who in the next phase were sent alone to Iceland to plead the king's cause (Sigvarðr). The

³⁵⁸ *HsH* 273, 276, *Ísl* 164, 191, *Þsk* 18, 65.

³⁵⁹ *HsH* 297, *Ísl* 192.

³⁶⁰ *Ísl* 143, cf. *HsH* 195.

³⁶¹ Heinrek: *HsH* 257; 273, *Þk* 48; *Ísl* 164, *Þs* 10 (less clearly a royal mission); Sigvarðr: *HsH* 282, *Ísl* 181 (nothing about a royal mission).

³⁶² *HsH* 311, *Þsk* 80–81, *Ísl* 197–98.

³⁶³ *HsH* 282, 283, 297, 300.

³⁶⁴ *Þsk* 65.

supervisory function was gradually taken over by Norwegian hirdmen (Sigurd Silkeøye, Ivar Engelsson, Toralde kvite), who finally took over the task of trying to bring Iceland under the king (Ivar Arnljotsson, Hallvard Gullsko).

Sturlunga saga was not in principle opposed to royal intervention in Iceland, but the saga defended this on a more contextual basis, which implied that Icelandic chieftains had considerable latitude in the way they exercised the authority granted them by the king. It was a function of the fact that the king and the Icelanders were physically separated, and could be regarded as a kind of informal royal concession in return for their bridge-building to reduce the distance. If the saga is so vague or curt in its description of bishops and hirdmen who were supposed to keep an eye on the chieftains in the 1250s, it is probably because it perceived such inspection as alien and menacing.³⁶⁵

Both *Hákonar saga Hákonarsonar* and *Sturlunga saga* describe increased royal interference in Iceland in the course of the thirteenth century, but the sagas differ in their assessment of how far the Icelandic chieftains managed to achieve the goals of their royal mission. In the following I shall analyse how *Hákonar saga Hákonarsonar* and *Sturlunga saga* rated the Icelandic magnates' attempts to bring Iceland under the Norwegian king. I shall do so by comparing the two sagas' expectations of these attempts in relation to their assessments of the results of the attempts. As in the preceding chapters, I first consider the ideological perspective based on the predominantly absolute perception of loyalty in *Hákonar saga Hákonarsonar*. I then look at the practical perspective, first examining the action of magnates in *Sturlunga saga*, before finally investigating the king's actions in both sagas.

The ideological perspective: Icelandic magnates as disloyal emissaries

Hákonar saga Hákonarsonar viewed events from the king's standpoint. Icelandic magnates acted as the king's emissaries, with delegated authority to make Iceland submit to Norway. Their disloyalty could be measured in terms of how great the discrepancy was between the expectations they instilled when they left for Iceland, and the results they achieved

³⁶⁵ This is also reflected in the way that *Sturlunga saga* describes Sturla Sighvatsson and Snorri Sturluson's agreements with the Norwegian king before they went to Iceland in secret (*Isl* 139, 146), which must be attributed to the controversial character of the agreements.

on their mission. The greater this contrast was, the greater was their disloyalty to the king.

Snorri Sturluson was the first to undertake to win Iceland for the Norwegian king when he and Skule agreed in 1220 that “Snorri would bring the country under the king”.³⁶⁶ The saga is quick to observe that he had problems with the task he had assumed on behalf of the king: “Snorri got nowhere with the inhabitants of the country.”³⁶⁷ If he did not succeed, however, it was not only because he encountered opposition, but also because he “did little pleading” for the king’s cause.³⁶⁸ The saga did not ignore the opposition that Snorri faced in Iceland, but it regarded Snorri’s passivity as the decisive factor. It was thus his lack of will rather than his lack of ability that was the crucial obstacle to the success of the king’s cause.³⁶⁹

Whereas Snorri was criticized for having been too passive in discharging his mission, his nephew Sturla Sighvatsson was accused of the opposite when he went to Iceland in 1235. The saga admittedly gives certain indications that this outcome was not wholly unexpected, for Sturla himself had suggested to the king that it was necessary to be “hard-working and shrewd” if he was to manage the king’s assignment, although Hákon had warned him against this.³⁷⁰ The result was nevertheless that Sturla failed to live up to the expectation that he would bring Iceland under the Norwegian king, and the main reason for this was that “the king thought that Sturla had used more force than he had advised him to”.³⁷¹

Íslendinga saga says that Snorri Sturluson was secretly given the title of *jarl* (earl) by Skule Bårdsson in 1239.³⁷² This version is not confirmed in *Hákonar saga Hákonarsonar*, which merely notes that Snorri left for Iceland without the king’s leave.³⁷³ According to *Íslendinga saga*, the king sent a letter to Gizurr Þorvaldsson which said:

³⁶⁶ “Snori skylldi koma landi undir kong” (*HsH* 59).

³⁶⁷ “öngu kom Snorri við landzmenn aaleidis” (*HsH* 59).

³⁶⁸ “flutti hann ok litt” (*HsH* 59).

³⁶⁹ *Hákonar saga Hákonarsonar* nevertheless gives Snorri the credit for achieving peace for the merchants (*HsH* 59).

³⁷⁰ “hardyrkr ok radugir” (*HsH* 180).

³⁷¹ “virde kong sua, sem Sturla hefði hardara at farit, en hann hafði honum rad gefit” (*HsH* 187, see also 195).

³⁷² *Ísl* 143.

³⁷³ *HsH* 195.

Gizurr was to get Snorri to leave Iceland whether he liked to or not, or else kill him because he had gone to Iceland despite the king's prohibition, and King Håkon proclaimed him guilty of high treason.³⁷⁴

Gizurr replied that "he would by no means ignore the king's letter",³⁷⁵ and his killing of Snorri can thus be viewed as an implementation of the command of the king and the law, based on an absolute perception of loyalty. When the king later, according to *Hákonar saga Hákonarsonar*, pointed out that he would not have killed Snorri if he had come to submit to him, this does not mean that he took Snorri's offence lightly, for as we have seen, the king was prepared to forgive even serious crimes as long as the offender was willing to repent and seek his mercy.³⁷⁶

Þórðr kakali was entrusted with the task of bringing Iceland under the Norwegian king in connection with the coronation of King Håkon in 1247. Here the absolute approach to loyalty found its clearest ideological expression in *Hákonar saga Hákonarsonar* when Cardinal Vilhjálm declared about Iceland that it was "inappropriate that the country did not serve any king as all other countries in the world did".³⁷⁷ Þórðr and Bishop Heinrek of Hólar were told to see to it that this unsuitable state of affairs came to an end, and they were also given more precise guidelines than their predecessors: "everyone should agree to the rule of King Håkon and pay such tax as they agreed upon."³⁷⁸ Þórðr, unlike Snorri and Sturla, achieved considerable success after his arrival in Iceland as the king's emissary in 1247. Yet this did not mean that all the obstacles were out of the way, for two years later the king summoned Þórðr to Norway for good.³⁷⁹ The reason was that Bishop Heinrek, according to *Hákonar saga Hákonarsonar*, had told the king that "what Þórðr had done was useless".³⁸⁰ Þórðr's failing was not that he had been unable to assert himself against other Icelandic chieftains, but that "in all his dealings he had furthered his own cause but not

³⁷⁴ "Var þar á, at Gizurr skyldi Snorra láta útan fara, hvárt er honum þætti ljúft eða leitt, eða drepa hann at öðrum kosti fyrir þat, er hann hafði farit út í banni konungs. Kallaði Hákon konungr Snorra landráðamann við sik" (*Ísl* 151).

³⁷⁵ "han vildi með engu móti brjóta bréf konungs" (*Ísl* 151).

³⁷⁶ *HsH* 244. Cf. the section on loyalty in the confrontations.

³⁷⁷ "hann kallade þat osannligt, at land þat þionadi eigi undir einnhuern kong sem oll onnr j verolldunne" (*HsH* 257).

³⁷⁸ "allir jatudiz undir riki Hakonar kongs ok slikar skattgiafir, sem þeim semdizt" (*HsH* 257).

³⁷⁹ *HsH* 268, see *Ísl* 192 on the death of Þórðr in Norway.

³⁸⁰ "kallade þat onytt, er Þordr hafði [syslat]" (*HsH* 270).

the king's honour".³⁸¹ This was interpreted as a sign that he "took little pains for the king's cause".³⁸² Once again, disloyalty to the king could be measured in the discrepancy between the king's expectations and the result of the emissary's efforts.

In 1252 Gizurr Þorvaldsson was sent to Iceland together with Þorgils skarði and Finnbjörn Helgason, as well as Bishop Heinrek, who represented the king for the second time.³⁸³ The saga implied that Gizurr was disloyal to the king in carrying out his mission, since he was accused by both Þorgils and Bishop Heinrek of breaking his promise.³⁸⁴ The result was that Gizurr was excommunicated by Bishop Heinrek and summoned to Norway by Bishop Sigvarðr on behalf of the king.³⁸⁵ Gizurr's disloyalty was underlined by the king's next emissary, Ivar Engelsson, who blamed Gizurr's kinsmen and friends most for the opposition he encountered against the king's cause.³⁸⁶

Six years after his first assignment, Gizurr was nevertheless sent to Iceland again to act for the king.³⁸⁷ This time too, he is portrayed as disloyal in *Hákonar saga Hákonarsonar* because he deviated from the goals set up by the king, goals which he had accepted. According to the saga, Gizurr was very optimistic about in his conversations with the king about the possibility of bringing Iceland under Norway in 1258: "Gizurr boasted that he could easily achieve this".³⁸⁸ The contrast with what he actually achieved was thus all the greater. As soon as Gizurr landed on Icelandic soil, he declared—contrary to his instructions—that no one would have to pay tax to the king, and that everyone would have the same title in Norway as in Iceland.³⁸⁹ The saga called this "a lie" (*fals*) on Gizurr's part.³⁹⁰ His disloyalty was also revealed when he made the Icelanders swear an oath of loyalty to both Hákon and himself.³⁹¹ When

³⁸¹ "Þorðr hafði j öllu sinn hlut fram dregit en ecki sæmd kongs" (*HsH* 270).

³⁸² "lagði líta stund aa kongs mal" (*HsH* 268).

³⁸³ *HsH* 273, 276.

³⁸⁴ "He [Heinrek] then said that no one was worse than Gizurr at breaking everything which favoured the king, and which he had promised" (*HsH* 276). "Þorgils thought that he did not keep the promise of loyalty to which he was bound by the king" (276).

³⁸⁵ *HsH* 282.

³⁸⁶ *HsH* 283.

³⁸⁷ *HsH* 297.

³⁸⁸ "Bar Gizurr mikil mal aa, ath hann mundi þui auduelligar [sic] aa leid koma" (*HsH* 297).

³⁸⁹ *HsH* 297.

³⁹⁰ *HsH* 297.

³⁹¹ *HsH* 300. *Shurlunga saga* says that the Rangæingar swore loyalty "to Earl Gizurr and King Hákon for the first time" (*Ísl* 196), *Hákonar saga Hákonarsonar* that many "took an oath to him and swore loyalty to King Hákon" (*HsH* 297).

the king's emissaries went to him to confront him with this and specify the king's conditions and clear up any misunderstandings, he refused to support the king's cause as it was put forward in the letter and by the hirdmen.³⁹² The same thing happened again when the king sent Hallvard Gullsko to Iceland in 1261 to urge Gizurr to "adhere to the agreement that he had reached with the king".³⁹³ Another aggravating circumstance was that Gizurr allegedly had not promoted the king's cause until he was forced to do so, because the opponents had mustered a greater force than his at the General Assembly (*Alþingi*) in 1262.³⁹⁴

Hitherto I have concentrated on investigating how the king tried to gain control over Iceland by sending Icelandic chieftains who were bound to him as his hirdmen, sometimes also supplemented with Norwegian hirdmen and bishops to supervise them and confront them with his demands in written form. The king, however, had more methods than this to gain the loyalty of chieftains. First of all, the king acquired legal title to several chieftaincies. According to Jón Viðar Sigurðsson, around 1250 the king controlled or owned almost all the chieftaincies in the Northern, Western, and Southern Quarters.³⁹⁵ These titles could be awarded to Icelandic chieftains or withdrawn from them as the king pleased.

Secondly, the king could summon chieftains whom he believed to have been disloyal to him, or forbid them to leave Norway for Iceland. Instead of detaining a chieftain, he could also take hostages from him to ensure his loyalty.³⁹⁶ Control over whoever was sent to Iceland gave the king an important instrument for obtaining mastery of the territory. Gizurr

³⁹² Confronted with the king's accusations, Gizurr, according to the saga, "presented the king's cause, but rather differently from what was in the letter" (*HsH* 300, 303).

³⁹³ "hann efndi sin einka-mal sem hann hafði konginum heitit" (*HsH* 311, Sth. 8 fol.).

³⁹⁴ Hallvard, according to the saga, was able to mobilize large forces from Gizurr's rival Hrafn, who wanted to ride to the assembly "and assist the king's cause there, if it was not successful by other means" (*HsH* 311).

³⁹⁵ Jón Viðar Sigurðsson 1989, pp. 69, 71–79; Jón Viðar Sigurðsson 1993, pp. 83, 85–86. According to *Hákonar saga Hákonarsonar*, this applied to the domains of Sturla Síghvatsson, Snorri Sturluson, and Þorleifr of Garðar (*HsH* 257). Gizurr Þorvaldsson's title to domains is not specified in this saga (*HsH* 273, 276). In *Sturlunga saga* there are conflicting details (*Ísl* 164, *Þsk* 10). In addition, it is uncertain what Finnbjörn Helgason's chieftaincy comprised (*ibid.*). The king had also acquired the title to the Sæmundsson's chieftaincy when they were drowned in 1251 (*HsH* 273). This had to be renewed in 1264, however.

³⁹⁶ Jón murtr was a hostage for Snorri Sturluson in 1220 (*Ísl* 38), Þorgils skarði for Þórðr kakali in 1247 (*Þk* 47).

Þorvaldsson was summoned in 1254. Þórðr kakali went to Norway in 1249 and remained there until his death in 1256. When he obeyed the king's summons even after having succeeded in overcoming most of the opposition in Iceland, this suggests that he recognized the king's authority. The summons is therefore an example of how the king, by exerting pressure, got Icelandic chieftains to accept his absolute perception of loyalty even when they were at a great distance from him.

Hákonar saga Hákonarsonar viewed the relationship between the king and the Icelandic magnates from the king's perspective, and set up a demand for absolute loyalty to the king. The demand for loyalty applied everywhere and at all times, and any deviation from it was branded as disloyalty. Icelandic chieftains were perceived as royal emissaries over whom the king had total authority, and the crucial thing for the assessment of their loyalty was the extent to which they adhered to the king's cause. The main reason for the king's limited success in Iceland, according to this perspective, was that the chieftains were disloyal to the king by not promoting the king's cause as energetically as they had promised.

The practical perspective: Icelandic magnates as rival chieftains

Whereas *Hákonar saga Hákonarsonar* adopted the king's perspective on events, *Sturlunga saga* was probably much closer to the Icelandic magnates in its views. The saga describes basically the same happenings as *Hákonar saga Hákonarsonar*, but in a different way. Firstly, the expectations attached to the magnates' royal mission are often referred to in vaguer and more moderate terms than in *Hákonar saga Hákonarsonar*. Secondly, the results are not so much assessed in relation to the king's expectations, but more to the extent to which the chieftains succeeded in their rivalry with other chieftains in Iceland.

Íslendinga saga does not pronounce the same harsh judgement as *Hákonar saga Hákonarsonar* on Snorri Sturluson's mission on behalf of the king in 1220; this applies both to the expectations and to the results. Whereas *Hákonar saga Hákonarsonar* refers only to Snorri's assignment to bring Iceland under Norway, *Íslendinga saga* has a more detailed description of this agreement and the conversations concerning it. Snorri admittedly seemed rather immodest in *Íslendinga saga* when he said that "through his words he could quickly bring the people round to obedi-

ence to the ruler of Norway”.³⁹⁷ This cocksureness is nevertheless toned down in what follows, as Snorri pointed out that Sæmundr Jónsson was the most powerful man in Iceland, but that he and his brothers came next, and his brothers would do what he said.³⁹⁸ This must be viewed as an attempt on Snorri’s part to give a more realistic description of the situation than that in *Hákonar saga Hákonarsonar*, and consequently to emphasize the complicated character of the mission.

It would nevertheless turn out that even this relatively moderate forecast exaggerated what Snorri could achieve, for the opposition Snorri encountered when he came to Iceland was greater than he had foreseen. If the king’s cause played any part for Snorri, it was mostly a negative one. Mocking verses were composed about Snorri’s submission in Norway, and he was accused of having sided with the Norwegians against the Icelanders in the previous conflict between them.³⁹⁹ The crucial thing, however, was the resistance put up by Icelandic chieftains. His ranking of Sæmundr Jónsson as the most powerful chieftain, followed by himself, was proved wrong when the two of them became involved in a conflict where both were outdone by Þorvaldr Gizurs-son.⁴⁰⁰ Snorri’s grasp on his brothers did not hold either, as his brother Sighvatr persuaded him to stay outside the conflict.⁴⁰¹

Íslendinga saga did not try to counter the accusations in *Hákonar saga Hákonarsonar* that Icelandic chieftains were disloyal to the king by arguing that they were actually loyal. It was rather the case that disloyalty to the king became an irrelevant topic in the Icelandic context. As soon as Snorri set foot in Iceland, his relationship to the king became less important than internal Icelandic matters. If Snorri did not live up to expectations, according to *Íslendinga saga* it had nothing to do

³⁹⁷ “kallaðist skjótt mega svá koma sínum orðum, at mönnum myndi sýnast at snúast til hlýðni við Nóregshöfðingja” (*Ísl* 38).

³⁹⁸ *Ísl* 38.

³⁹⁹ *Ísl* 38. On the conflict: see *HsH* 55, 59, *Ísl* 35.

⁴⁰⁰ *Ísl* 39–40.

⁴⁰¹ *Ísl* 39. It may look as if Snorri was surprised by the opposition he encountered when he came to Iceland from Norway, since it is said that he and his retinue came “handsomely equipped, and were full of self-confidence” (*Ísl* 38), but they were quickly brought down to earth when they met the chieftain Björn Þorvaldsson, who accused Snorri of having sided with the Norwegians against the Icelanders in the aforementioned conflict between them. The author of the saga may also have wished to make fun of Snorri’s conceit.

with his royal mission, but because he had given too little support to a friend in a conflict in which he became embroiled, and because he had been too easily influenced by his brother Sighvatr.⁴⁰² What *Hákonar saga Hákonarsonar* regarded from a Norwegian and royal perspective as disloyalty to the king seemed, from the point of view of an Icelandic chieftain, as manoeuvres in an ongoing power struggle.

The characteristic feature of the presentation in *Íslendinga saga* of Sturla Sighvatsson's royal mission to Iceland in 1235–38 is that it is virtually non-existent. First of all, this applies in a concrete sense to the agreement that Sturla made with the king in 1235 to bring Iceland under Norway. Whereas *Hákonar saga Hákonarsonar* described the agreement as a public one, *Íslendinga saga* called it secret, and it was only after Sturla's death that the rumour of this was mentioned.⁴⁰³ The reason why the agreement was not published was probably that it would have caused offence in Iceland, as Snorri's agreements in 1220 and 1239 did.

Secondly, Sturla's royal mission is scarcely present in his concrete actions after he arrived in Iceland in 1235. *Íslendinga saga* admittedly agrees with *Hákonar saga Hákonarsonar* that Sturla acted too forcefully. There are several references to his arrogance, and the saga implies that it was his uncompromising behaviour that led to his downfall.⁴⁰⁴ The difference from *Hákonar saga Hákonarsonar*, however, is that Sturla in *Íslendinga saga* was not acting on the king's behalf, but on his own. When he had captured Gizurr at Apavatn in 1238, he said that the reason for his implacable methods was that "he intended to gain a higher position than other men in Iceland".⁴⁰⁵ Nothing is mentioned here about this position having been planned by agreement with the Norwegian king.

The lack of references to the king in *Íslendinga saga* is hardly due to Sturla being perceived as disloyal to him. It would probably have

⁴⁰² On the first: "some would say that Snorri did not discourage Loftr much from rebelling against Björn" (*Ísl* 39). On the second: After Snorri had tried in vain to gain his brother Sighvatr's support, the latter described Snorri as a raised axe which had become blunt, with himself as the whetstone (*Ísl* 39).

⁴⁰³ *Ísl* 92, 139. When Sturla arrived in Iceland, nothing is said about the royal mission (*Ísl* 111).

⁴⁰⁴ This emerges most clearly from Sighvatr's warning to his son Sturla, worded as a suggestion that all the chieftains in the country should be placed in his service (*Ísl* 125, 127). Sturla's fall was a result of most of the chieftains turning against him, the most important of them being Gizurr and Kolbeinn ungi (*Ísl* 130).

⁴⁰⁵ "hann ætlaði sér meira hlut en öðrum mönnum á Íslandi" (*Ísl* 129).

favoured Sturla's cause to refer to the king *vis-à-vis* Gizurr, because that could have made his plan seem less arrogant than when he acted exclusively on his own behalf. If Sturla did not refer to the king, it is probably not so much due to his reluctance to subordinate himself to the king, and more because he was unable to do so. He did not make any distinction between his own cause and that of the king, because the king's cause took second place to personal interests in the Icelandic context. This was ultimately a result of the king not being physically present. The king was on the periphery of the physical universe in Iceland, and he was consequently distant in the mental universe as well.

Snorri Sturluson's "royal mission" on behalf of the king-to-be Skule Bårdsson in 1239 is likewise not prominent in *Íslendinga saga*. Like Sturla's mission, it was shrouded in secrecy. Sturla had information from Skule's marshal, Arnfinn Tjovsson, that Skule had given Snorri the title of earl, "but none of the Icelanders present would admit this".⁴⁰⁶ If Snorri's assignment was obscure, the result was all the more manifest, for he was killed by Gizurr on the king's order.⁴⁰⁷

There is good reason, however, to examine Gizurr's actions more closely before concluding that he was only executing a royal order. Several factors suggest that he was primarily looking after his own interests when he killed Snorri, and that the king's order mostly served as a welcome excuse for this. First of all, Snorri was one of Gizurr's main rivals in Iceland, who in addition had good cause to seek vengeance against him, for while Snorri had been abroad, Gizurr had been one of those responsible for the killing of a number of his kinsmen in the battle of Örlygsstaðir in 1238. Secondly, Gizurr made no attempt to bring about the king's preferred solution, to make Snorri leave Iceland, but concentrated all his efforts on the second best solution, to kill him. His defence for this was that "he knew that Snorri would not willingly leave Iceland".⁴⁰⁸ This does not seem very plausible, however, partly because he did not let Snorri know the king's accusation or attack against him,⁴⁰⁹ partly because he had Snorri killed even though he had

⁴⁰⁶ "en engi þeira Íslendinganna lét þat á sannast" (*Ísl* 143). Arnfinn was killed in 1241 as a consequence of his support for Skule (*HS* 243).

⁴⁰⁷ *Ísl* 151.

⁴⁰⁸ "kveðst vita, at Snorri myndi eigi ónauðigr útan fara" (*Ísl* 151).

⁴⁰⁹ *Ísl* 151. The controversial character of the attack on Snorri is also evident from the refusal of Ormr Björnsson to take part in it. Ormr was a man who had every reason to wish harm on Snorri, for he had an inheritance dispute with him (*Ísl* 149).

promised Snorri's household that he would offer him a settlement.⁴¹⁰ Snorri was thus not given the opportunity to leave the country. Gizurr clearly used the royal order as a pretext for eliminating a troublesome rival in the Icelandic power contest.

Þórðr kakali's mission on behalf of the king in 1247–49, as we have seen, was described as a failure in *Hákonar saga Hákonarsonar*. This is not as obvious in *Þórðar saga kakala* (author unknown), where the same events are portrayed as a success, not only for Þórðr himself, but also for the king. This probably has partly to do with the fact that the saga was vaguer than *Hákonar saga Hákonarsonar* in the description of Þórðr's mandate in 1247. The nimbus that *Hákonar saga Hákonarsonar* created around the king during the coronation of Hákon is not reproduced in *Þórðar saga kakala*. While *Hákonar saga Hákonarsonar* lets the king send Þórðr to Iceland with clear instructions to bring the country under Norway, Cardinal Vilhjalm points out in *Þórðar saga kakala* that “the wisest counsel would be for one man to be in charge of the country”.⁴¹¹ There is no doubt that *Þórðar saga kakala* also regarded Þórðr as being subordinate to the king, but it is nevertheless remarkable that the saga did not specify who this “one man” should be. As it stands, it could as easily refer to Þórðr as to the king. Þórðr's subordination to Hákon is thus more downplayed and diffuse in this saga than in *Hákonar saga Hákonarsonar*.

The other reason why *Þórðar saga kakala* gives a more positive impression of Þórðr's assignment than *Hákonar saga Hákonarsonar* has to do with the fact that Þórðr managed to achieve control over the major part of Iceland in the course of this period, as his aim had been.⁴¹² When Þórðr achieved considerable success, according to his saga this also benefited the king. The two sagas agree, however, that Bishop Heinrek perceived Þórðr as disloyal.⁴¹³ The presentation of the accusations is so brief in *Þórðar saga kakala* that it is difficult to elucidate it, but even in the pro-royal *Hákonar saga Hákonarsonar* it is evident that the bishop was not wholly impartial in his judgement on Þórðr. The accusation had arisen because “men who were enemies of Þórðr had complained to

⁴¹⁰ *Ísl* 151.

⁴¹¹ “kvað þat ok ráð, at ein maðr væri skipaðr yfir landit” (*Þk* 47).

⁴¹² *Þk* 48.

⁴¹³ *HS* 268, 270, *Þk* 48.

the bishop, and he had taken their case into his keeping”.⁴¹⁴ Heinrek’s accusation against Þórðr may therefore have had more to do with their rivalry in Iceland than with any disloyalty by Þórðr towards the king. Heinrek’s role will be examined more closely when we discuss how he ran into conflict with Gizurr Þorvaldsson.

The inconsistent assessment of Þórðr’s success in the two sagas must be viewed in terms of the extent to which they distinguished between the king’s and his emissaries’ cause in Iceland. The sagas agree that magnates pursued their own interests as soon as they were out of the king’s sight, but they have widely differing perceptions of how these interests related to the king’s cause. *Hákonar saga Hákonarsonar* makes a clear distinction between the king’s and the chieftain’s cause, and if the chieftains gave priority to their own interests this is viewed as disloyalty to the king. *Þórðar saga kakala*, in contrast, makes no distinction between the two aspects. Success for the king was synonymous with the success of his chieftains. The question of whether or not the chieftains were disloyal to the king was thus largely irrelevant in the Icelandic context.⁴¹⁵

In 1252 came the next royal initiative to subject Iceland to Norway, when Gizurr Þorvaldsson, Þorgils skarði, and Finnbjörn Helgason were sent there on behalf of the king together with Bishop Heinrek. *Hákonar saga Hákonarsonar*, as we have seen, was quick to describe Gizurr as disloyal to the king, in contrast to the others, who were faithful. The more detailed account of the three magnates in *Íslendinga saga* and *Þorgils saga skarða* shows, however, that this was not an appropriate description, whether from an Icelandic or a royal perspective. To show this it is necessary to look more closely at how this power game is described in the Icelandic sagas.

Bishop Heinrek disagreed with Gizurr shortly after they reached Iceland,⁴¹⁶ as he had also done with Þórðr kakali five years earlier.⁴¹⁷ Whereas *Hákonar saga Hákonarsonar* explains the hostility in terms of

⁴¹⁴ “hofdu þeir menn, er hellzt voru ouinnir Þordar, kært sin mal fyrir byskupi, ok hafði hann tekit þeirra mal aa sinn varnad” (*HsH* 257, cf. *Þk* 48).

⁴¹⁵ It was not irrelevant, however, in that the king called Þórðr back because of reports he had heard about him. Þórðr did follow the king’s command, and thus lost the chance to follow up his Icelandic chieftaincy. See more about this in the next part.

⁴¹⁶ “The bishop was then quick to transfer his friendship to the men who were the greatest enemies of Gizurr” (*HsH* 276).

⁴¹⁷ *Þk* 48.

Gizurr's disloyalty to the king, the explanation in *Íslendinga saga* was that Heinrek, rather soon after his return, became friends with Eyjólfir Þorsteinsson.⁴¹⁸ As a result, Heinrek ended up on collision course with Gizurr, because Þórðr kakali had put Eyjólfir in charge of the same area (Skagafjörðr) that the king had probably awarded to Gizurr.⁴¹⁹ Heinrek's support for Eyjólfir nevertheless did not have dramatic consequences for his relationship to Gizurr before Eyjólfir burnt the majority of Gizurr's family in their home at Flugumýri in 1253, from which Gizurr made a narrow escape.⁴²⁰ Although the burning is heavily condemned in the saga,⁴²¹ we are told that the incendiaries had no problem in gaining absolution from Bishop Heinrek, and that the bishop slightly later excommunicated Gizurr for having taken revenge after a temporary settlement had been reached.⁴²²

The account of these events in *Íslendinga saga* is testimony that Bishop Heinrek, in the view of most people, acted rather unreasonably after the fire at Flugumýri. In particular, one might expect the king to have reacted to Heinrek's support for Eyjólfir, who believed that Þórðr kakali was entitled to the same areas as the king claimed title to. Later Heinrek also fell out with the other royal emissary, Þorgils skarði, and excommunicated him as well.⁴²³ Such potential objections by the king to Heinrek's actions are not mentioned in the saga. This shows not only how distant the king's cause was for Gizurr and Heinrek, but also how little their behaviour in Iceland mattered for the king's assessment of them. *Íslendinga saga* clearly demonstrates that the conflict between Bishop Heinrek and Gizurr was not between an advocate of an absolute perception of loyalty to the king's cause and a representative of a contextual perception of loyalty, but between political players in the

⁴¹⁸ *Ísl* 167–68. Heinrek seems to have supported Gizurr initially (*Ísl* 164, *Þsk* 10). Heinrek's sudden change of opinion is mentioned later in *Sturlunga saga* by Þorgils skarði (*Þsk* 57). It was scarcely evaluated in favourable terms.

⁴¹⁹ *Ísl* 164 (but differently in *Þsk* 10).

⁴²⁰ *Ísl* 170–74.

⁴²¹ *Ísl* 174. In addition, the perpetrators were called *brennumenn* (see for example *Ísl* 175).

⁴²² *Ísl* 175, 176. On the settlement 175. Even though breach of settlement was heavily condemned, there was no doubt that Gizurr's injury in this case was so great that he had a great deal to avenge if he was to balance the offences committed against him. Bishop Heinrek also excommunicated Þorgils skarði slightly later.

⁴²³ *Þsk* 54. Here too the excommunication was on rather dubious grounds, judging by the alleged popular opinion. In the settlement between them there is no mention of the king at all (*Þsk* 57, 61).

Icelandic power game. This is all the more remarkable in that Heinrek was a Norwegian-born cleric. His career thus bears witness to the contextual character of the actors' perceptions and actions.

Gizurr's relationship to the third emissary, Þorgils skarði, is described in most detail in *Þorgils saga skarða* (author unknown). *Hákonar saga Hákonarsonar* relates only Þorgils' accusation against Gizurr of breaking his promise to the king. No such breach of promise by Gizurr is mentioned in *Þorgils saga skarða*, where attention is instead focused on the relationship between Þorgils and Gizurr in Iceland. On the one hand, the two were already allied through the royal mission, and Gizurr was accused several times of having been disloyal in that connection. Characteristically, however, these accusations concerned his disloyalty, not to the king, but to Þorgils.⁴²⁴ On the other hand, the two men came from Iceland's two most powerful families, the Sturlungar and the Haukdælir, who had a long history of conflict behind them, with Gizurr's killing of Þorgils' great-uncle Snorri as one of the most recent clashes.⁴²⁵ After 1252 the conflict was nourished by the fact that both aspired to lordship over Skagafjörður, as we have seen that Eyjólfur did as well.⁴²⁶ The king was a peripheral figure in this rivalry. To be sure, they referred to the king's cause and their own community in the hird, but this was still not sufficient to prevent them from ending up in conflict with each other.

The fact that *Íslendinga saga* did not assess Gizurr's manoeuvres in relation to his obligations of loyalty to the king, as *Hákonar saga Hákonarsonar* did, means that the saga adopted a somewhat more positive attitude to Gizurr's efforts on behalf of the king. An illustration of this is that, according to the saga, he went to the king in 1254 because "he expected to get all the honour from this matter when he met his lord, King Hákon",⁴²⁷ while according to *Hákonar saga Hákonarsonar* he

⁴²⁴ *Þsk* 14, 15–16, 18, 21, 33. These accusations against Gizurr seem slightly far-fetched, for Þorgils himself made a clear distinction between his strong bonds of loyalty to the king and his weak bonds to Gizurr (*Þsk* 15, 18), especially in that the two of them were not bound by any oaths. The accusations should largely be viewed in the light of their occurrence in Þorgils' own saga, which tries to emphasize the positive qualities of its leading person. Þorgils' loyalty to the king is particularly emphasized in connection with the attack at Stafahólt in 1252 (*Þsk* 14, 15, 18).

⁴²⁵ Hrafn and Sturla referred to this as a reason why Þorgils should accompany them on a raid against Gizurr (*Þsk* 18).

⁴²⁶ *Þsk* 20, 21.

⁴²⁷ "kvaðst vænta, at hann myndi hafa allar sæmðir af málum þessum, ef hann fyndi sinn herra, Hákon konung" (*Ísl* 178). The case in question concerned his excommunica-

was forced to go to Norway because the king had summoned him for disloyalty.⁴²⁸

Gizurr was given a new chance as the king's emissary to Iceland in 1258. Here too, *Íslendinga saga* differs from *Hákonar saga Hákonarsonar* in its account of Gizurr's work in that it makes no comment as to whether Gizurr was loyal or disloyal to the king. In *Hákonar saga Hákonarsonar* Gizurr's disloyalty is evident from the conspicuous contrast between, on the one hand, his promise to the king that it would be easy to achieve the Icelanders' submission, and on the other hand his deliberate lies and deceptions on the way, and his enforced subordination in 1262. In *Íslendinga saga* much of this contrast disappears, and with it many of the reasons for describing Gizurr as disloyal.

Íslendinga saga, to be sure, stated the same goals for Gizurr's trip to Iceland in 1258 as *Hákonar saga Hákonarsonar*, namely, to bring the country under the king through the acceptance of a royal tax.⁴²⁹ Gizurr, however, did not show the same carefree attitude towards the king when he accepted this mission as in *Hákonar saga Hákonarsonar*, for *Íslendinga saga* underlines that he was "greatly bound by vows to the king".⁴³⁰ The emphasis on the difficulty of the assignment made it easier to relate problems along the way to other factors than Gizurr's disloyalty.

Gizurr's mission did not go off painlessly, according to *Íslendinga saga*. However, the problems he encountered had nothing to do with his relationship to the king, but concerned his relationship to other magnates, and they were primarily a consequence of the usual rivalry between the chieftains. Gizurr's prominent position as the king's earl rendered him both advantages and disadvantages. The advantage was that Gizurr as earl could entice other chieftains with promises of territories and hird titles. Sturla Þórðarson was given the title of royal vassal (*lendr maðr*) with Borgarfjörðr as his fief, and he was highly satisfied with this.⁴³¹ Sighvatr Böðvarsson, on the other hand, received

tion by the bishop. In addition, he had reached an agreement with Eyjólfir to let their case be judged by the king (*Ísl* 175). According to *Hákonar saga Hákonarsonar*, the summons was presented to Gizurr by Bishop Sigvarðr (*HsH* 282). *Sturlunga saga* tells of Sigvarðr's arrival in Iceland, but does not mention him bringing any summons (*Ísl* 181).

⁴²⁸ The fact that the king gave him a new chance four years later as an earl makes the version in *Íslendinga saga* more credible than the one in *Hákonar saga Hákonarsonar*.

⁴²⁹ *Ísl* 192.

⁴³⁰ "mjök heitbundinn við Hákon konung" (*Ísl* 192).

⁴³¹ *Ísl* 195.

no fief when he joined the hird, and “he thought he had been duped into becoming Earl Gizurr’s retainer, and they parted coldly”.⁴³² Gizurr also encountered opposition from chieftains who would not accept his higher position. The Andréassons were pressured into accepting Gizurr’s supremacy, but soon afterwards they turned round and tried to take him by surprise.⁴³³ Hrafn Oddsson acted as something of an equal to Gizurr, and it was not until the General Assembly (*alþingi*) in 1262 that the two were reconciled.⁴³⁴

Íslendinga saga also disagrees with *Hákonar saga Hákonarsonar* on the circumstances surrounding Gizurr’s submission to the king at the General Assembly in 1262. Firstly it denies that Gizurr did a veritable somersault *vis-à-vis* Hallvard Gullsko at the General Assembly. The encounter is not described as a conflict between the king’s and Gizurr’s cause, but as a conflict between Gizurr and Hrafn, in which Hallvard played a subordinate part as a member of Hrafn’s retinue.⁴³⁵ Secondly, *Íslendinga saga* indicates that Gizurr was the strongest party at the General Assembly, and that his submission to the king was therefore voluntary, and not enforced as in *Hákonar saga Hákonarsonar*.⁴³⁶

The differing views of Gizurr’s activities in the two sagas are nowhere as clear as in their assessment of situations where the Icelanders swore oaths of loyalty to both Hákon and Gizurr. While *Hákonar saga Hákonarsonar* interpreted these double oaths as an expression of Gizurr’s disloyalty, according to *Íslendinga saga* they were signs that he was doing all he could to promote the king’s cause.⁴³⁷ The background to this, as we also saw in connection with Þórðr kakali, was that the saga did not see any contradiction between furthering the king’s cause and promoting one’s own. The crucial thing was to gain support for the cause in Iceland, and not whether the king’s command was followed to the letter. Gizurr shared this outlook with the Icelanders, for *Hákonar saga Hákonarsonar* says that even after his “lie” had been exposed, and the peasants therefore, in the opinion of the author, ought to have known better, “people kept

⁴³² “Þóttist hann hafa verit ginntr til at gerast handgenginn Gizuri jarli, ok skilðu þeir allfálga” (*Ísl* 195).

⁴³³ *Ísl* 195–96, 199–200.

⁴³⁴ *Ísl* 198.

⁴³⁵ *Ísl* 198.

⁴³⁶ It is said that Gizurr raised 800 men for the encounter at the General Assembly in 1262, while Hrafn had 600 (*Ísl* 198).

⁴³⁷ *Ísl* 196, *HsH* 297.

their loyalty to him and King Hákon”.⁴³⁸ The Icelanders appear to have seen no contradiction between the king’s cause and Gizurr’s, no matter how much this was pointed out by the king’s men.

It was not until the arrival of Hallvard Gullsko in 1261 that the peasants in the Northern Quarter were forced to choose between Gizurr’s and the king’s version of the matter, as Hallvard emphasized that the Icelanders, quite contrary to what Gizurr had said, by submitting to the Norwegian king were obliged to pay tax to him.⁴³⁹ From the account in *Hákonar saga Hákonarsonar* one should assume that the peasants either considered the tax demand as old news, since they had allegedly sworn to pay tax to the king in 1255,⁴⁴⁰ or that they would oppose the demand, as Gizurr had expected when he failed to present it in 1258.⁴⁴¹ The peasants, however, agreed to pay tax, not because they already paid it, but because they wanted to support the earl, and the result was that they promised Gizurr money to manage the tax.⁴⁴² This time it was Hallvard who objected.⁴⁴³ Here we find ourselves in the remarkable situation that the opinions about paying tax were totally reversed from the position four years earlier. The king had previously criticized Gizurr for not presenting the king’s tax demands to the Icelanders, but now when Gizurr and the peasants had accepted the tax, it was suddenly the king’s emissary who asserted how trivial this matter was.

The change of roles on the taxation issue illustrates that the controversial point in this conflict was not so much the tax in itself as the extent to which Icelandic chieftains should act as intermediaries between the king and the peasants. Through his indulgence Hallvard showed that the most important thing for the king was to establish as direct as possible a relationship to the peasants, even though a relationship with powerful middlemen would bring greater royal revenue. Accusations of disloyalty were a pretext to use against this stratum of chieftains with extensive local power.

It may look as if Hallvard was the undoubted victor in this conflict, since he gained acceptance for the royal demands that the Icelanders should submit to the king in 1262. It is not certain, however, that this

⁴³⁸ “helldu menn trunad uid hann ok Hakon kong” (*HsH* 297).

⁴³⁹ *Króksfjarðarbók* 2.

⁴⁴⁰ *HsH* 283.

⁴⁴¹ *HsH* 297.

⁴⁴² *HsH* 311.

⁴⁴³ *HsH* 311.

was how Gizurr perceived it, for he continued as the king's earl until his death in 1268, without his position being noticeably changed by the incorporation of Iceland under the Norwegian king.⁴⁴⁴

I mentioned in the previous section about absolute subordination that the king, besides controlling Icelandic chieftains through other men and by sending letters, had two other instruments in reserve: redistributing domains to which he had acquired legal title, and summoning chieftains to Norway or preventing them from going back to Iceland. If we proceed from the perspective of *Sturlunga saga*, however, it is uncertain how effective these instruments were in Iceland.

When it comes to the king's title to domains, the account in the sagas is vague and contradictory. Whereas *Íslendinga saga* explains the king's title to Eyjafjörðr in terms of the death of Þórðr kakali, according to *Hákonar saga Hákonarsonar* it was a result of the peasants having sworn allegiance to the king.⁴⁴⁵ There is also internal confusion in *Sturlunga saga*. We read in *Íslendinga saga* that Gizurr was awarded most of the Northern Quarter in 1252, but according to *Þorgils saga skarða* he received the Southern Quarter.⁴⁴⁶ When the king's message is so different in the two sagas, a tempting interpretation is that such grants were not very important for Icelandic chieftains, for if so the saga authors ought to have been clear about them.

The limited significance of royally awarded domains is also evident from what happened when Þorgils became chieftain in Skagafjörðr and Eyjafjörðr in 1255. According to *Hákonar saga Hákonarsonar* this was a result of a royal grant.⁴⁴⁷ *Þorgils saga skarða*, on the other hand, says that, at the time when the king awarded him the territory, Þorgils had already been chosen as chieftain by the peasants in Skagafjörðr, because he was a kinsman of their former chieftain, Kolbeinn ungi.⁴⁴⁸

⁴⁴⁴ Jón Viðar Sigurðsson emphasizes the continuity in the social development of Iceland from the fall of the commonwealth until the introduction of new laws in 1271/81 (Jón Viðar Sigurðsson 1995, p. 156). So too does Jesse Byock ("The Age of the Sturlungs", in E. Vestergaard (ed.), *Continuity and Change*, Odense 1986, pp. 27–43).

⁴⁴⁵ *Þsk* 65, *HsH* 283. In a footnote Kristian Kålund explains the deviation as a mistake on the part of *Sturlunga saga* (Kålund in *Sturlunga saga*, vol. 2, footnote 1, p. 289).

⁴⁴⁶ *Ísl* 164, *Þsk* 10. *Hákonar saga Hákonarsonar* gives no information about grants of domains in 1252. Jón Jóhannesson notes the lack of agreement but draws no conclusions from it (1969, pp. 220–21). Jón Viðar Sigurðsson favours the version in *Íslendinga saga*, without stating any reason (1989, p. 77, 1993, p. 83).

⁴⁴⁷ *HsH* 283.

⁴⁴⁸ *Þsk* 54–55, the royal message *Þsk* 65.

He did not have a firm grasp on Eyjafjörðr until after the king's message became known,⁴⁴⁹ but the king's grant did not solve all the problems, for it had the result that Þórðr kakali's title to the area was transferred to the rival chieftain Þorvarðr Þorarinsson, who killed Þorgils shortly afterwards.⁴⁵⁰

The refusal of the peasants of Eyjafjörðr to accept Þorvarðr as chieftain in 1255 may illustrate the significance and limitations of the king's cause in Iceland: "We want to wait and see what King Hákon and Þórðr Sighvatsson [kakali] decide."⁴⁵¹ After 1252, most conflicts of nationwide scope were due to the fact that Þórðr kakali and the king had each placed their own men in charge of many of the same domains.⁴⁵² Reference to the king's grant was a way to legitimate one's case, but it was only one of several possible methods, and the context determined the effect of any such reference.

When it comes to the king's right to summon chieftains from Iceland or detain them in Norway, both *Hákonar saga Hákonarsonar* and *Sturlunga saga* emphasize, albeit in different measure, the royal initiative behind Icelandic chieftains' travels to and from Iceland. Yet this does not mean that the chieftains should necessarily be perceived as loyal to the king when they obeyed his commands, for in cases where their interests in travelling coincided with those of the king, it is impossible to distinguish the two parties' motives from each other. It is only in cases where the king had his way against the will and interests of the chieftains that one can conclude that the king's attempts to gain control had a practical impact on Iceland.⁴⁵³ The only certain instance that remains is the summons of Þórðr kakali to Norway in 1249. It is difficult to see that Þórðr would have had any interest in heeding the king's summons,

⁴⁴⁹ *Þsk* 65.

⁴⁵⁰ *Þsk* 67, 76.

⁴⁵¹ "Viljum vér bída þess, er Hákon konungr ok Þórðr Sighvatsson gera ráð fyrir" (*Þsk* 54).

⁴⁵² This is clearly seen in Þorgils skarði's initial meetings with Þorleifr of Garðar about mastery over Borgarfjörðr, which Þorgils had been granted by the king, while Þorleifr had been put in charge of the area by Þórðr kakali. There were two competing modes of legitimation here, and it was the power relations that decided which of them would emerge victorious (*Þsk* 13). Cf. Jón Viðar Sigurðsson 1989, pp. 77–78. This also agrees with the explanation in *Íslendinga saga* that the king granted Eyjafjörðr to Þorgils skarði because Þórðr kakali was then dead (*Þsk* 65).

⁴⁵³ Gizurr was summoned in 1254, but according to *Íslendinga saga* he went to Norway voluntarily (*Ísl* 178). Neither Snorri nor Sturla was summoned to Norway by the king after their royal mission to Iceland. Bishop Tore summoned some chieftains in 1211 (*Ísl* 26). Of these, we are told that Arnórr Tumason obeyed the order (*Ísl* 31).

since by this time he had managed to overcome most of the resistance in Iceland. Þórðr's six-year stay in Norway, as we saw in the previous section, may be seen as a manifestation of the king as an independent power factor, whom Icelandic chieftains had to take into consideration even if they did not have any great understanding or sympathy for his views. If Þórðr did not respect the king's absolute perception of loyalty, he was at least forced to accept it.

It is nevertheless uncertain how much Þórðr's compliance with the king's order to come to Norway in 1249 says about his recognition of the king's authority at this time. It looks as if Þórðr, when he left Iceland, thought that the stay in Norway would be short, for when he was told that he would be allowed to return to Iceland after six years in Norway he said that "he would never leave Iceland if he was allowed to go back there".⁴⁵⁴ The implication is that he had obeyed the king's command because he did not believe that it would have serious consequences for his career in Iceland, and that he never would have done so if he had known how long he would be kept in Norway. Þórðr also had good grounds for believing that his stay in Norway would be short, for he had twice before received the king's permission to go to Iceland, both times at Gizurr's expense.⁴⁵⁵ When he was to be assessed for a third time in relation to Gizurr, he must therefore have believed that the possibility of the king's renewed faith in him was good, especially because he thought that his success in the meantime had not weakened his candidacy, but had actually strengthened both the king's cause and his own.

Sturlunga saga viewed the relationship between the king and Icelandic chieftains from the chieftains' perspective and from an Icelandic standpoint. The move from Norway to Iceland meant that the idea of being faithful to the king was weakened, because the focus was shifted from the aspect of disloyalty in the relationship between king and magnates to the rivalry that prevailed between Icelandic chieftains. This meant that the king's cause became largely synonymous with the chieftains' cause, not because the chieftains, as in *Hákonar saga Hákonarsonar*, were the king's spokesmen, but because the king's physical absence also entailed a mental absence. To the extent that the king was mentally

⁴⁵⁴ "eigi fara skyldu af Íslandi, ef honum yrði auðit út at koma" (*Ísl* 192), cf. Þórðr's discontent in Norway (*Þsk* 7, 10). This version is not confirmed by *Hákonar saga Hákonarsonar*, where Þórðr's discontent is only hinted at (*HsH* 282).

⁴⁵⁵ *HsH* 246, 257.

present in Iceland, it was as a friend who took advantage of the chieftains' success, and not as their superior in a relationship that concerned unilateral loyalty. The chieftains' significant latitude was a result of the fact that the absent king was dependent on their personal mediation if he was to have any chance at all of reaching the peasants.

The king between absolute and contextual loyalty

Sturla Þórðarson undoubtedly captured a significant difference between the thinking of the king and that of the Icelandic chieftains in *Hákonar saga Hákonarsonar* and *Íslendinga saga* when he showed how they clashed in their views of what was expected of chieftains as the king's emissaries to Iceland. Despite this, there must have been points of contact between the two ways of thinking which enabled a dialogue between the parties. I have already considered the Icelandic magnates' tendency towards an absolute perception of loyalty. This was a result of their being forced to relate to the king as an independent and self-willed power factor, even if they were not compelled to have any great understanding or sympathy for his views. There is also reason to believe, however, that the king behaved less absolutely in practice than in theory, as we saw that he acted towards Norwegian magnates. In the following I shall investigate this by looking more closely at the king's actions.

We have previously considered the king's retention of Þórðr kakali in Norway as perhaps the prime example of the king's ability to pressure Icelandic chieftains into accepting his absolute view of loyalty. There are therefore good grounds for examining the basis of the king's deliberations in this case.

When Þórðr came before the king in 1250 he met Gizurr Þorvaldsson and Bishop Heinrek there. It was normal to find Icelanders close to the king from the 1230s onwards.⁴⁵⁶ It was not easy for the king to make decisions in such situations, for as *Hákonar saga Hákonarsonar* says, from 1250 "everyone wanted to present his case for being permitted to go to Iceland".⁴⁵⁷ The saga commented that, of those present at this time, the king believed most in Bishop Heinrek.⁴⁵⁸ The grounds for the king's

⁴⁵⁶ *Hákonar saga Hákonarsonar* mentions several Icelanders attending the king in 1220 (*HS*H 59), 1235 (180), 1238 (194), 1242 (246), 1246 (248), 1247 (257), 1250 (270, 273, 276), 1254 (282–83). In 1258 only Gizurr is mentioned (297).

⁴⁵⁷ "huorir villði sitt mal flytja, til þess at næde ut at fara" (*HS*H 270).

⁴⁵⁸ *HS*H 270.

assessment, however, were objective enough, for he had learned from elsewhere that Þórðr had not satisfactorily discharged his mission in Iceland,⁴⁵⁹ and he had therefore summoned Þórðr even before Bishop Heinrek came from Iceland.⁴⁶⁰ Altogether, *Hákonar saga Hákonarsonar* gives the impression that the king's appraisals were impersonal and based on facts, as one could expect of a man who was supposed to judge his subjects in terms of an absolutely just scale.

Þórðar saga kakala can help to qualify this picture of King Håkon as an impartial arbiter in his judgement of the chieftains' efforts. The saga gives a different explanation for why Håkon took Heinrek's side than the one in *Hákonar saga Hákonarsonar*. According to *Þórðar saga kakala*, it was not Heinrek's better arguments that were decisive, but his tenacious lobbying: "the king listened a great deal to his [Heinrek's] statements, but there were few men in Norway who spoke in favour of Þórðr, except for some of his companions."⁴⁶¹ In other words, physical presence was crucial when the king assessed the situation too. Something similar had happened three years before, when Þórðr had been sent to Iceland on behalf of the king. *Hákonar saga Hákonarsonar* notes only the purpose—to bring the country under the king, and that Þórðr had been appointed to implement this.⁴⁶² Once again, Bishop Heinrek played a key part in the more detailed account in *Þórðar saga kakala*, which says that "he greatly advanced Þórðr's case before the cardinal and also the king".⁴⁶³

Þórðar saga kakala also sheds light on King Håkon's most important informant, Bishop Heinrek. The bishop was not an impartial source concerning events in Iceland. We have previously seen that it was not the king's cause that was the reason he fell out with Þórðr, but the fact that Þórðr's enemies came to see him and received his support. The

⁴⁵⁹ *HsH* 268. The news probably came from Gizurr's informants. Gizurr was in Norway at the time, and was not very content about that.

⁴⁶⁰ *HsH* 268.

⁴⁶¹ "hlýddi konungr allmjök á hans sagnir. En þá var fátt þeira manna í Nórøgi, er mjök drøgi fram hlut Þórðar, nema nøkkurir lögunautar hans" (*Þk* 48).

⁴⁶² *HsH* 257.

⁴⁶³ "dró hann mjök fram hlut Þórðar við kardinálann og svá við konunginn" (*Þk* 47). According to *Sturlunga saga*, it was not just the king who made his judgements on a contextual basis. The same applied to the man who crowned the king, Cardinal Vilhjalfr of Sabina, who according to the saga decided the matter between Þórðr and Gizurr. His judgement was not based on an (absolute) assessment of Þórðr's suitability as a king's man, but on a contextual factor: "the great loss of men that Þórðr had suffered during their dealings" (*Þk* 47).

same thing happened when Heinrek was later sent to Iceland together with Gizurr.⁴⁶⁴ The king's seemingly absolute assessments were thus built on a dual contextual foundation. He himself was influenced by those who were physically close to him, and these men in turn had highly personal grounds for their assessments.

The greatest mistake a king could make in *Konungs skuggsiá* was to let personal preferences interfere with his judgements. The king was supposed to consider all the relevant information before passing judgement, and the difficulty lay in balancing as justly as possible the factual circumstances (Truth), the law (Justice), the offender's intention (Peace), and the king's obligation to show forgiveness (Mercy).⁴⁶⁵ When *Hákonar saga Hákonarsonar* omits several times to say how much the king was influenced by those in his presence, part of the explanation is that the saga is generally briefer in its reports on Icelandic matters than *Sturlunga saga*. However, it can also be interpreted as an attempt to hold up the king as an impartial judge who arrived at his decisions based on an absolute standard of justice, corresponding to the royal ideology in *Konungs skuggsiá*.

It is scarcely a sensational discovery that the king was dependent on other people's reports in making decisions about Iceland. No one ever makes a choice on a totally absolute basis. Another matter—and one which is more important in this context—is that the king scarcely had any explicit desire to rule as justly as possible, in the sense of being consistent and predictable, *vis-à-vis* Icelandic magnates. This was not in itself incompatible with the royal ideology. According to *Konungs skuggsiá*, a certain degree of unpredictability was an inevitable consequence of the fact that it was only the king who was capable of making the complex assessments of guilt in connection with breaches of the law.

It was not primarily this type of unpredictability that the king practised, however. Magnates scarcely had any great understanding for the king being elevated above personal attachments, and with good reason. Personal connections were in practice something the king could not do without, and which he therefore did not try to avoid; on the contrary he strengthened them. Þórðr kakali's involuntary six-year stay in Norway could be interpreted from the king's standpoint as a punishment for his

⁴⁶⁴ Cf. pp. 241–42.

⁴⁶⁵ Cf. pp. 88–89.

disloyalty.⁴⁶⁶ The retention of Þórðr, however, did not mark the start of a more consistent subordination of Icelandic chieftains, but meant first and foremost that the king chose to give a new man a chance in Iceland, Gizurr Þorvaldsson. From Þórðr's perspective, being kept in Norway was greatly unexpected, since the king had previously supported him against Gizurr.

Nor did Gizurr fulfil his obligations to the king once he arrived in Iceland, neither in 1252 nor in 1258, but unlike Þórðr he was given a new opportunity on both occasions. The very inconsistency of the king's reactions says something significant about his exercise of power. The king's actions were not incomprehensible, but nor were they predictable. Disloyalty was something he could criticize sharply, but it was an open question how far he followed up such accusations in his actions. It was important to be the king's friend and to have spokesmen in his presence to have an impact on him. Yet this was not sufficient, for the king could suddenly do an about-turn. He turned a blind eye to Þórðr's and Gizurr's disloyalty several times, but suddenly he could put his foot down, and when he did so it tended to be forcefully.

When Þórðr and Gizurr were with the king in 1247, *Þórðar saga kakala* says that everyone was wondering about which of the two the king would support: "But people thought they could see that the king was more likely to choose Gizurr."⁴⁶⁷ They were wrong, and the king was scarcely displeased with that. This unpredictable element was not only—and not even primarily—an unintentional side effect of the king's inability to keep a steady course; on the contrary it was a necessary constituent in his exercise of power. His need for allies was greater than his desire to administer the law consistently. The king had to display a certain degree of unpredictability to compensate for his lack of power. This is obvious when the Norwegian magnate Lodin Lepp came to Iceland in 1281 as the king's emissary, his mission being to get the Icelanders to accept *Jónsbók* as their law code. *Árna saga biskups* says that the peasants and the bishop raised a number of objections, but Lodin nevertheless gained acceptance for the law code, because, in

⁴⁶⁶ This corresponds to King Sverre's strategy towards the Orkney earl Harald Maddadsson. In peripheral regions the king occasionally seems to have fought fire with fire, rather than trying to entice magnates there with favourable terms if they supported him.

⁴⁶⁷ "En þat þóttust menn skilja, at konungrinn myndi heldr áleiðis víkja fyrir Gizuri" (*Þk* 45).

the words of the Icelandic scholar Magnus Már Lárusson, he showed “great firmness”.⁴⁶⁸ If we examine the episode more closely, however, we see that it was not primarily “firmness” that characterized Lodin’s reaction to the peasants and the bishop: “he said that anger would befall those who did otherwise.”⁴⁶⁹ It was not through legal arguments that Lodin achieved the Icelanders’ acceptance of the king’s law code, but by invoking the threat of wrath if they refused. This element of unpredictability was hardly alien to Icelandic magnates. The difference between Norwegian kings and Icelandic chieftains as regards their exercise of power was less in practice than in theory.⁴⁷⁰

It is perhaps not a coincidence that the Icelander chosen by the king as his emissary after 1250 came from the only area that Þórðr kakali did not manage to gain control of in 1247–49. In the last resort the king does not seem to have based his assessment of Icelandic magnates on how loyal or disloyal they were to him, but on how great their chances of success were in Iceland. And Gizurr, despite his shaky loyalty to the king from an absolute perspective, displayed an astonishing ability to survive his opponents and emerge stronger from the conflicts in Iceland during the last decades of the commonwealth.

Sturla Þórðarson’s contextual knowledge

The study of the relationship between the Norwegian king and Icelandic magnates in *Hákonar saga Hákonarsonar* and *Sturlunga saga* has shed light on the magnates’ perception of loyalty and the king’s practice towards these magnates. The comparison between the two sagas indicates that Icelandic chieftains did not perceive themselves as disloyal to the king on the occasions when the king thought that they were. The reason was not so much that they actively worked against the king, but that their

⁴⁶⁸ Magnus Már Lárusson, “Jónsbók”, *KLNM* VII, col. 615.

⁴⁶⁹ “q(vad) hann reide mundu sæta þa sem odruvys giordu.” *Árna saga biskups*, ed. Þ. Hauksson, Reykjavík 1972, ch. 63. Slightly later we are told that Lodin “looked around somewhat angrily”, and his first reaction was to become “hot” (*heytur*).

⁴⁷⁰ The exercise of power by Icelandic chieftains is not the topic of this study, but as we have seen, the fact that the king’s exercise of power was unpredictable does not mean that it was *incomprehensible* to magnates. *Sturlunga saga* records conflicts between chieftains and big peasants that sound very similar to the Norwegian king’s conflicts with magnates. See, for example, Kolbeinn ungi’s conflict with Kálfr Guttormsson in 1234 (*Isl* 95–100), and Þorgils skarði’s conflict with Egill Sölmundarsson in 1252–55 (*Þsk* 13–14, 29, 43–45).

ideas of loyalty, detached from the king's presence, were vague. We have no comparable sources stating the perspective of the Norwegian magnates, but the results are in line with what I found from the analysis of Norwegian magnates' confrontations with the king. In addition, as we have seen, there are good reasons for assuming that Norwegian and Icelandic magnates did not differ essentially in their relationship to the king. The king acted in roughly the same way towards Icelandic and Norwegian magnates. It was more important for him to maintain and preferably extend his alliances than to enforce the law consistently, even if this was at the expense of justice and security under the law. Absolute ideals were not intended to be pursued; they were primarily means to exert pressure in the opening phase of negotiations in order to make magnates acknowledge and submit to the power of the king. Magnates' submission also had limited practical consequences, because the king was mostly physically absent, and because obligations of loyalty to him were internalized only to a limited extent. The absolute aspect of the king's exercise of power in general, and of his demand for loyalty in particular, was at best an absolute ideal framework surrounding a practice that was in large measure contextual.

The differences between the accounts in *Hákonar saga Hákonarsonar* and *Íslendinga saga* must be viewed in the light of the fact that the two sagas had the same author: Sturla Þórðarson. In the introduction I asked how Sturla combined the two perspectives. I find it most probable that the disagreements between the sagas are not due to a deliberate distortion on Sturla's part, but that they did arise unconsciously. Sturla probably experienced the events in the same way as the Norwegian-born Bishop Heinrek of Hólar. He was "Icelandified" as soon as he reached Iceland, in the sense that his participation in the Icelandic rivalry took precedence over his obligations of loyalty not only to the king, but also to the church.

When Sturla wrote as the king's chronicler he adopted the king's perspective, but when writing as one of the Icelandic chieftains he depicted the events from their standpoint. The inconsistencies, which to us may seem like blatant contradictions, need not have been viewed in that way by Sturla himself. Sturla was in a different context as author of the two works, and this had consequences for the angle from which he saw the events, and also for how he believed that the actual events had occurred. In *Hákonar saga Hákonarsonar* he gave Hákon the honour

for the abandonment of the military expedition against Iceland in 1220.⁴⁷¹ In *Íslendinga saga*, on the other hand, he gave Skule the honour for exactly the same thing.⁴⁷² In this case there are both factual and ideological grounds for preferring the version in *Íslendinga saga* to that in *Hákonar saga Hákonarsonar*.⁴⁷³ The essential thing here, however, is that Sturla scarcely thought that he was lying in either case. Sturla's different narrator roles in the two sagas also meant that his knowledge was contextualized. What was perceived as truth was locally demarcated not only for the individual actor, but also depending on the contexts to which the actor belonged.

⁴⁷¹ *HsH* 59.

⁴⁷² *Ísl* 38.

⁴⁷³ Skule was the man who had the closest contact with Snorri both in 1218–20 and later, and at the time when *Hákonar saga Hákonarsonar* was written, in 1264–65, it was important to stress Hákon's friendly attitude to the Icelanders, since the country at that time had been subjected to the king of Norway.

CHAPTER THREE

THE RELATIONSHIP BETWEEN THE KING AND THE PEASANTS

Introduction

The king's relationship to the peasants is characterized by the fact that he was not usually close to them. The peasants shared this normally large physical distance to the king with the magnates. They differ from the magnates, however, by virtue of their lower social status. One reflection of this is that they are almost always referred to as a collective.¹ That does not imply that the peasants necessarily acted as a collective, but this is usually the only way the kings' sagas allow us to study them.

The relationship between the king and the peasants was examined in the part about ideal subordination, where I proceeded from the use of the term *lýðni* (obedience), supplemented with *trúnaðareidr* (oath of loyalty). The peasants' relationship to the king was presented as one of obedience in the normative sources from the period. The king's demand for obedience was limited by the law, but within the framework of the law everyone who lived in his kingdom was obliged to show him unilateral obedience through the oath of loyalty sworn by the people's representatives at the *konungstekja* (election of the king at the *þing*). There was nevertheless a possibility to avoid this by refusing to accept the king's laws and amendments, but this meant declaring oneself "out of the law", thus becoming an "outlaw". A study of the contemporary kings' sagas suggests that the peasants' obedience to the king was a relationship with stronger reciprocal and personal elements than prescribed by the normative sources. The king's aim was not so much to obtain compulsory and unilateral obedience as to win the support of "the most" and "the best", with no clear distinction being made between these. This was regarded against the background that

¹ This also applies to the townsmen, who are classified here together with the peasants.

formal institutions such as the assembly and the royal election had limited formal autonomy and therefore could not be studied independently of power relations.

The investigation of the terms *lýðni* and *trúnaðareidr* has little to say when it comes to understanding the practical relationship between king and peasants. The terms are not used very often in the sagas, and to the extent that they do occur, they are primarily used about the formal aspect of the relationship. In this part I shall instead analyse the relationship based on the terms for loyalty examined above in connection with magnates and retainers. These terms are used somewhat less frequently about peasants than about retainers, and just under half as often as about magnates.² The exception is *landráð*, with the majority of the uses referring to peasants.³ In addition, peasants often occur in connection with terms referring to taxation (*skatt*, *leiðangr*, *gjalld*). This indicates that the peasants' relationship to the king was less a question of loyalty than of a subject's duties (obedience) compared with the magnates' relationship to the king. It is misleading, however, to make a sharp distinction between the two types of connection. The term *gjalld*, for example, can mean both fines (institutional payment) and retribution (personal recompense).⁴ In the following analysis I shall therefore treat the terms together.

Before I embark on the situational analysis, two tendencies should be mentioned. Firstly, the terms are used about peasants more often in *Sverris saga* than in *Hákonar saga Hákonarsonar*. This was also the case concerning magnates, and it undoubtedly has to do with the more frequent internal conflict during Sverre's reign. Not so much significance will be ascribed to this change in the present chapter, where the structure of the conflicts will be analysed in qualitative and not quantitative terms. The question of change and continuity, however, will be considered at the end of the chapter and in the general conclusion.

Secondly, it is possible to detect regional patterns in where and when the terms are used. Trøndelag dominates in the earlier phase of *Sverris saga* (before 1184),⁵ but is mentioned less often as the saga proceeds,

² Cf. the quantitative discussion on pp. 120–21, and the appendix.

³ Five of seven references are to peasants (eight cases where the word means governing a country are not counted).

⁴ See more on this later in the chapter, pp. 273–74.

⁵ Here we can distinguish three types of situations where the terms are used. First of all, they occur during Sverre's initial expedition to the area in 1177 (*Svs* 14–15). Then several of the terms are used in connection with the battle of Kalvskinnet, which

probably because Sverre acquired reasonable control over the area.⁶ After the end of *Sverris saga* the terms are mentioned only *en passant* in this area.⁷ East Norway has a correspondingly dominant position in the last part of *Sverris saga*,⁸ and this is the only area where the terms are used in *Håkonar saga Hákonarsonar*, in connection with King Håkon's problems with peasant resistance there.⁹ Terms for loyalty are rarely used about peasants in West Norway, except in 1184.¹⁰ This difference between regions is in line with Edvard Bull's idea of regional antagonisms as the most important reason for the internal conflicts.¹¹ Bull was challenged by Halvdan Koht, who argued that "everyone assembles against the part of the country that asserts the national policy".¹² The regional antagonisms have since been interpreted as the result rather than the cause of the internal strife.¹³ Instead of focusing on districts and regions, I will therefore use the terms centre and periphery. It may look as if the words for loyalty were most used in the king's periphery, and the scarcity of references to West Norway may be due to the fact that the area was rarely peripheral for any of the kings.

ended with Sverre winning and Erling Skakke falling (36–43). Finally, some of the terms are mentioned when Magnus undertook a punitive campaign against Trøndelag in the years after the battle of Nordnes in 1181 (65, 69).

⁶ As regards the later rebel armies, Trøndelag is mentioned as an arena for hostilities where the terms of submission are used in connection with the Kuflungar (*Ses* 108) and the Baglar (137, 144).

⁷ The terms are used when Håkon Håkonsson is elected king in 1217 (*HsH* 15). *Böglunga sögur* does not employ the terms with reference to Trøndelag, but it should be pointed out that the peasant rising in 1214 is not mentioned in the Norse manuscripts and consequently falls outside the study.

⁸ The terms of subordination are used here about his expedition after the battle of Oslo in 1197 (*Ses* 139), in 1199 (160, 162), and after the battle against the peasants at Oslo in 1200 (167–71). As in Trøndelag, the terms are employed a few times during Sverre's first campaign in the early years of his reign (16, 25, 30). Magnus Erlingsson (83, 98), and later the Kuflungar (101) and the Baglar are also mentioned (132).

⁹ The king had problems with the peasants in general (*HsH* 148) and with specific peasant revolts (32, 70), but the most serious threat came when rebel bands received great support from the peasant community. They could find support in central districts (75, 105, 126–27), and also, and more so, in peripheral districts such as the border zones and Vermland (101, 108–14). The term is used once in *Böglunga sögur* (*Bs* 26).

¹⁰ The terms are employed here following much the same pattern as for Trøndelag. Here too they are used in connection with a punitive expedition, this time led by Sverre (*Ses* 81–82, 95), and when Sverre tried to establish himself in the area after the battles of Ilevollene in 1180 (49–50) and Fimreite in 1184 (96–99).

¹¹ Bull *NHU* II, pp. 24–37.

¹² Halvdan Koht, "Kampen om makten i Noreg i sagatiden", in *Innhogg og utsyn*..., Kristiania 1921, p. 113.

¹³ Bagge 1986.

In the Early Middle Ages there were fluid transitions between centre and periphery, because the king had lordship over people, not territories.¹⁴ In addition, there was a blurred dividing line between plunder and taxation, because royal authority and legitimacy were vulnerable.¹⁵ What the king called legitimate tribute or punishment was often perceived by the victims as illegitimate plunder. A characteristic of the kings' exercise of power was that they often acted more harshly in the periphery than at the centre, because the support of the people in the heartland required moderation in exacting tribute from them.¹⁶ The function of the periphery was thus to supply the ruler with resources that he could then distribute among his allies in the centre; in addition, this weakened the resource base of any rivals in the plundered areas.

Research on this type of domination has concentrated on the Early Middle Ages, even though most scholars claim that the transition to more regular taxation systems administered by kings with greater legitimacy was a process that ran over a long time.¹⁷ In the following I shall investigate how far this form of royal exercise of power characterizes the behaviour of Norwegian kings in areas that were peripheral to their heartland. The question is how far the king could go *vis-à-vis* the peasants, and to what extent the peasants accepted the kings' demands as legitimate.

The approach in this chapter will be like that in the previous chapter about the king's relationship to the magnates, without any presumption that the king's relationship to the two groups was identical. To find out what was perceived as loyalty or disloyalty in the relationship between king and peasants, I shall analyse confrontations between them where terms of loyalty are used, with the addition here of terms touching on obedience (*skattr, leidang, gjald*). First I shall examine the confronta-

¹⁴ Lindkvist 1988, pp. 45–46. The power of the Icelandic *goðar* is an example of this.

¹⁵ Reuter 1982, pp. 75–94; Lindkvist 1988, pp. 31–35; Thomas Lindkvist, "Social and Political Power in Sweden 1000–1300", in R. Samson (ed.), *Social Approaches to Viking Studies*, Glasgow 1991, pp. 140–41; Bagge 1999, p. 316. Cf. *Svs* 154 for an example of how tricky it can be to distinguish between tribute and robbery.

¹⁶ Reuter 1982, pp. 93–94; Lunden 1976, pp. 66–68, 75; implicitly in Helle 1974, p. 84. This is characteristic of the type of leader that Marshall Sahlins calls "big men" ("Poor Man, Rich Man, Big Man, Chief: Political Types in Melanesia and Polynesia", *Comparative Studies in Society and History* 5 (1963), pp. 285–303).

¹⁷ Reuter 1982, pp. 93–94; Lindkvist 1991, pp. 143–44; Thomas Lindkvist, "Politikens former", in P. Ingesman and T. Lindkvist (ed.), *Norden og Europa i middelalderen*, Århus 2001, pp. 56–58; Lunden 1976, p. 298.

tions from an ideological perspective, before I turn to analyse the same confrontations from a practical perspective. As in the chapter about the magnates, I begin with, and place the greatest emphasis on, the analysis of the actual confrontations. I then consider what happened before and after the conflict situations, where the question is to what extent the relationship of loyalty established between king and peasants in the confrontations can be regarded as representative of the relationship in general. As we proceed, the king's relationship to the peasants will be compared with his relationship to magnates.

The confrontations in which terms of loyalty are used most frequently, and which consequently are most central to this analysis, took place in the periphery. This applies to Magnus Erlingsson's campaign against Trøndelag in 1181–82, Sverre's against Viken in 1196–1202, and Håkon's against Vermland in 1225.¹⁸ In addition, the terms are used in connection with a number of other episodes which will also be brought into the analysis. The issue of how far this can be transferred to the centre will be discussed in the conclusion.

1. *Loyalty in the Confrontations*

The ideological perspective: the just king punishes or forgives offenders

The ideological perspective on the relationship between king and peasants is based on how this relationship is depicted in the royal ideology of the period. As with the magnates, this has a religious and a juridical aspect. In the part about ideal subordination, the peasants' relationship to the king was described as one of unilateral and binding obedience, modelled on man's relationship to God. Obedience, however, was limited to apply within the framework of the law, and a certain freedom to ignore the king's law was admitted. The juridical side of the peasants' relationship to the king was regulated through the provincial laws, and from 1274 by the national law, along with amendments to it. The king acted here as an administrator of the law, with responsibility for taking

¹⁸ Of four references in *Sverris saga* to the terms *svik* and *landráð*, three are about the relationship between Sverre and the men of Viken in 1197–1200 (*Svs* 139, 160, 162), while the latter refers to Magnus Erlingsson and the Trønds in 1182 (65). In addition, *landráð* is used three times in *Hákonar saga Hákonarsonar*, two of these in skaldic poems, which all have to do with the Ribbungar (*HsH* 105, 114, 145).

action against disloyalty on the part of his subjects. The king's role as judge, however, was not a simple matter. According to *Konungs skuggsiá*, a just king also had to take into consideration the offender's intention and other circumstances connected with the case, which meant that passing judgement was a highly complicated matter. In the following I shall analyse the confrontations between king and peasants by looking at the same three phases as in the section about the magnates: the king's accusation, the submission by the other party, and the king's mercy.

The first phase: the king's accusation

The common feature of the accusations levelled by the kings against the peasants in the kings' sagas is that they were formulated in a legal idiom. This tendency is more obvious here than in connection with the king's accusations against the magnates. First of all, this applies to the manner of his complaint, in that the kings summoned the peasants to *þings* or assemblies. This was Sverre's approach to the peasants in Viken in 1177 and in the years between 1196 and 1202, and in his treatment of the people of Sogn in 1184.¹⁹ Magnus Erlingsson likewise summoned the peasants to assemblies when he came to Trøndelag in 1182.²⁰ On Hákon's expedition to Vermland in 1225 there is no mention of a summons to any assembly, but the king's expectations that the peasants would yield to him and pay fines suggests that he regarded this as a legal conflict.²¹ Secondly, the kings' legal interpretation of the conflicts with the peasants can be deduced from the actual accusations they made. Their charges involved two types of demands imposed on the peasants: (1) regular contributions (*leiðangr*, the naval levy, and *sakeyrir*, fines due the king) that the peasants had failed to render, and (2) irregular payments in form of fines, as a consequence of the peasants' opposition to the king.

The legal dimension of the conflicts is evident in connection with Sverre's campaign against Viken in 1196–1202. In 1197 he summoned the peasants of Svanhals in eastern Viken, where he demanded both the regular contributions (*leiðangr* and *sakeyrir*) that he claimed not to have received before, and the payment of fines. The reason he gave for the fines was that the peasants had wrongly opposed him, which entitled

¹⁹ *Szs* 16 (Viken 1177); 138–39, 167, 169 (probably 160, 162) (Viken 1196–1202); 81, 95 (Sogn 1184).

²⁰ *Szs* 69.

²¹ *HsH* 112, 114.

him to compensation for treason (*gald fyrir landráð*), and that they not helped him with armed support (*liða-gald*).²² The accusation is similar to the one he levelled against the peasants in the neighbouring district of Gulmaren, that “they had assembled against him in Seimsfjorden and had taken another king in preference to him”.²³ Two years later Sverre came back to eastern Viken and demanded once again the regular *leiðangr* tax and fines for *landráð*.²⁴ The same thing happened the following year after he had defeated the peasants of Oslo.²⁵

Taxes or fines were also demanded from the peasants on other occasions. In 1182 Magnus Erlingsson summoned the men of Orkdal to an assembly, where he demanded *leiðangr* tax for the last three years.²⁶ It was also common for the king to demand fines (*gald*) from peasants because they had opposed him. King Håkon, for example, insisted on having “fines for the property and our kinsmen” on the expedition to Vermland in 1225, and Sverre demanded the same of the inhabitants of Sogn in 1184.²⁷ The sagas often tell of royal requests for *leiðangr* that were made in less dramatic forms.²⁸

The kings operated within the law when they imposed taxes or fines on the peasants on these occasions. *Leiðangr* was established by agreement as a military duty, but from the mid-twelfth century it was common for kings to demand it in peacetime as a tax.²⁹ The king claimed contributions in the form of a share of the fines paid for ordinary breaches of the law, but for particularly serious crimes aimed at him

²² *Svs* 139.

²³ “þeir hefði verit í samnaði moti honom í Sæms-firði oc hefði tekit konung annan í hofuð honom” (*Svs* 138).

²⁴ *Svs* 160.

²⁵ *Svs* 167–69. Sverre also went to Viken in 1201–2 (171–79).

²⁶ *Svs* 69. Cf. also *Svs* 65.

²⁷ *HS* 111, *Svs* 81–82. Occasions when peasants were required to pay *gald* could easily be multiplied. The peasants in Hordaland and Viken were requested to pay fines for resisting Sverre in the initial phase (*Svs* 50; 25, 30). The men of Bergen were fined by the Kuflungar in 1188 (109). The people of Nidaros were also fined by the Kuflungar in 1188 (108), and by the Baglar in 1197 (137). In the 1220s the peasants of Viken were fined by both the Birkibeinar and the Ribbungar because they had supported the opposition (*HS* 70, 75, 127, 150). See also *Svs* 14, 26, 124.

²⁸ This is most often recorded in *HS* (60, 125, 130, 161, 314), but also in *Svs* (72, 148) and *Bs* (13, 15, 19, 25, 27, all those in *Bs* refer to West Norway).

²⁹ Edvard Bull (the Elder), *Leding: Militær- og finansforfatning i Norge i ældre tid*, Kristiania 1920, pp. 43–45; Helle 1974, p. 196; Ersland 2000, p. 55. Lunden describes the transition of *leiðangr* from military service to a regular tax as a more protracted process (Lunden 1976, p. 298).

he could demand the whole sum of the fine.³⁰ Supporting the king's enemies, according to the laws, counted as high treason, which meant that the offender had forfeited his property and could be killed with impunity.³¹ The king was thus fully entitled to burn the homes of peasants who were guilty of high treason and not had heeded the king's summons. Moreover, the king was able to waive customary norms by defining a punitive expedition as "punishment for purification of the land and for peace".³²

The second phase: the peasants' submission

According to the kings' sagas, the peasants assembled in most cases when the king summoned them. The Orkdalers came to the assembly called by Magnus Erlingsson in 1182, and two years later the men of Sogn heeded Sverre's summons.³³ When Sverre was in eastern Viken in 1197 the peasants from Gulmaren came to meet him, and after the battle in 1200 the peasants also assembled at his summons in many places.³⁴ Håkon's expectations that the Vermlanders would submit to him were partly fulfilled,³⁵ and on the expedition to Scotland in 1263 the saga says that the vast majority yielded to the king.³⁶ Royal campaigns on a lesser scale also often led to submission by the peasants.³⁷

The peasants nevertheless showed greater stubbornness towards the king than the magnates did, because it happened rather frequently that the peasants did not obey the king's commands, instead keeping away from him. While the peasants in Gulmaren came to the assembly summoned by Sverre in 1197, their neighbours in Svanhals did not attend.³⁸ After the battle of Oslo in 1200 the peasants in Konghelle heeded the king's summons, but most of the peasants in eastern Viken fled from the king. In several places they were able to prevent the king and his fleet from coming ashore,³⁹ while in other places they withdrew when the king came.⁴⁰ It was not just King Sverre who encountered such

³⁰ Helle 1974, pp. 195, 186–87.

³¹ *G* 312, *ML* IV 3.1.

³² *ML* IV 3.4, *G* 32. Cf. pp. 75–76 and 170 on this.

³³ *Svs* 69, 81.

³⁴ *Svs* 138; 167 (Konghelle, Orust), 169 (Hornesfjord).

³⁵ *HsH* 112 (Moraster), 116 (Strand), 117 (western Holmedal).

³⁶ *HsH* 319 (Katanes), 320 (Gudøy), 321 (Satiri), 321 (Bot), 326 (Ilarsund).

³⁷ *Svs* 16 (Hadeland), 50 (Hordaland), 96–99 (Bergen), 137 (Nidaros).

³⁸ *Svs* 138–39.

³⁹ *Svs* 167 (eastern Viken), 167 (Tarve).

⁴⁰ *Svs* 168 (Båhuslen), 169 (Hornesfjord), 171 (Skaun).

reactions from peasants. Deserted districts, according to *Hákonar saga Hákonarsonar*, were the most common sight that greeted King Hákon on his expedition to Vermland.⁴¹

Sverre's interpretation of such absence was that the peasants had been guilty of more serious offences than those who heeded the summonses. When the men of Svanhals did not gather in 1197, according to *Sverris saga* it was because "they knew that they had offended against the king".⁴² Conversely, the peasants in Konghelle heeded the king's summons in 1200 because "none of these peasants were among those who had gone against the king in Oslo".⁴³

The reason for the peasants' reluctance to meet the king is clear from *Sverris saga*. After Magnus Erlingsson had made his financial demands of the men of Orkdal in 1182 he concluded with a warning of what would happen if they did not submit: "May you incur God's anger for this, and mine too!"⁴⁴ By linking his own anger to God's, he made it seem like a severe, but just, punishment for the peasants' crimes. King Sverre accused the inhabitants of Bergen of having supported the Baglar in 1198, and gave them an ultimatum: "You will lose your property and limbs and perhaps even your lives if you do not agree to everything I ask."⁴⁵ In his accusation he made a distinction between himself as "the right king" and the Baglar, characterized as "plundering pirates".⁴⁶

Thus far the royal anger can be interpreted as "just", as we saw in connection with the king's confrontations with magnates. In *Sverris saga*, however, the veneer of voluntariness that surrounded the magnates' submission to the king is absent in the descriptions of how the peasants submitted to him. Neither the prostration ritual nor repentance are mentioned. On the other hand, the king's power and his deterrent effect are clearly formulated. The peasants in Konghelle "accepted all that was imposed on them" by Sverre in 1200, and the saga adds: "they had no option against the strength of the king".⁴⁷ The submission of

⁴¹ *HS* 114 (Eidar), 117 (generally), 117 (Gladafors, Strand, Holmedal).

⁴² "þeir vissu sic saccfulla við konung" (*Svs* 139).

⁴³ "bøndr varo þar engir þeir er til Osluár höfðu farit a hendr konungi" (*Svs* 167).

⁴⁴ "hafi þer fyrir þat guðs reiði oc sva mina" (*Svs* 69).

⁴⁵ "þer skulot lata feit oc sva limarnar en licara at þar fylgi oc lifit. nema þer iatit mer ollu því er ec beiði" (*Svs* 146); cf. *Svs* 109 (the Kuflungar).

⁴⁶ "hernaðar-vikinga imoti rettum konungi" (*Svs* 146).

⁴⁷ "Bøndr gengo undir oll alaug. oc var þeim konungi fanga-laust annat" (*Svs* 167). This had not changed since Sverre's early days, when the saga says that he overwhelmed the Hadelanders and "now imposed as much tax as he wanted on them, and they

the peasants of Sogn to Sverre after the battle of Fimreite provoked the following laconic comment from Karl Jónsson: “It then happened that many a man, as they say, kissed the hand he would have preferred to see cut off.”⁴⁸ Here the saga author boasted of how severely Sverre was able to coerce the peasants.

This type of thirst for power is absent in *Hákonar saga Hákonarsonar*. On the expedition in Vermland, King Håkon instructed the army that “he wanted to come in peace to all the peasants in the country if they were willing to yield to him and enter into his mercy.”⁴⁹

If peasants did not submit to the king, they were regarded as rebels against him. Their submission, however, was not surrounded by the same aura of Christian repentance and humility that we saw in the case of the magnates. Yet there is a great difference between the sagas in this. *Sverris saga*, unlike *Hákonar saga Hákonarsonar*, does not conceal the fact that the peasants’ submission was obtained under duress, and this coercive aspect was also proclaimed openly as a sign of the king’s superior power.

The third phase: the king’s mercy or punishment

In *Konungs skuggsiá* a perfect judgement was described as a settlement between the Sisters, or the principles of Truth, Justice, Mercy, and Peace. While Truth and Justice primarily concerned the assessment of the actual offence, the intention of the accused was crucial for how far Mercy and Peace should be taken into consideration when judgement was pronounced.⁵⁰ The king’s judgement was to be based on both the nature of the crime and the intentions of the accused, but the balance between these two factors could vary from case to case.

In the kings’ sagas the peasants’ intentions were assessed in terms of whether or not they heeded the king’s summons to meet him at an

agreed to everything.” The king was free here to punish the peasants because they had tried to betray him after having promised him their obedience (*Jýðni*, *Svs* 16).

⁴⁸ “kom þat þar fram er mælt er at margr kysir a þa hond er hann villdi giarna at af væri” (*Svs* 95). Sverre also drew attention to this in his speech in Bergen shortly afterwards (99).

⁴⁹ “han villde med fríde fara til allra bænda j landino, ef þeir villdo aa hans valld koma ok til myskunnar festa sitt mal” (*HsH* 112).

⁵⁰ *KS* 75–78 (146–51). The Old Norse terms are *sannænndi*, *rettvísi*, *miskunn*, and *fríðsæmi*. See also Bagge 1987, pp. 54–57. *The speech against the bishops* pointed out that “God always judges rightly, and those who are his judges always judge rightly and not as lying and deceitful men say” (*The Speech* 3–4 (266)). On the objective and subjective concept of guilt, see Bagge 1987, pp. 62–66.

assembly, while the appraisal of their crimes must primarily be viewed in relation to the fines imposed on them.

Peasants who failed to heed the king's summons deserved no pardon, for they had manifested their unwillingness to submit to the king's judgement. They were thereby guilty both through their breach of the law and through their failure to attend the assembly, and the king could consequently have them killed or burn their farms with the law on his side. Peasants who were guilty of *landráð*, according to the law, could be burned out.⁵¹ Sverre's reason for burning farms in eastern Viken in 1200–1 was that he "had not received from the peasants what he was entitled to".⁵² Håkon did not want to burn farms in Vermland because he "thought that the peasants would come to him and ask for mercy and offer compensation",⁵³ but when this did not happen he followed his grandfather's example.⁵⁴

The message of the sagas was that it was better to attend when the king summoned an assembly than to run away or put up resistance. The peasants in Gulmaren who came to Sverre's assembly in 1197 were given a reasonable settlement, while the peasants in the neighbouring district of Svanhals had to cough up both regular taxes and fines for high treason because they did not appear until the king threatened to burn their farms.⁵⁵ Whereas the peasants in Strand in Vermland were given a truce by Håkon because they had hung a white cloth from the highest house on the farm, extra pains were taken to burn everything among their neighbours in Holmedal who had tried to attack him on his march.⁵⁶

The kings always gave quarter or mercy to peasants who yielded to them. After having settled with the Ribbungar in 1223, King Håkon summoned a group of Vermlanders because they had previously supported the Ribbungar. The Vermlanders came to him and submitted totally, and the saga concludes: "The king imposed heavy fines on them,

⁵¹ *G* 312, *ML* IV 3.1.

⁵² "fengit ecki af buondum þat er hann atti" (*Svs* 168). Cf. *Svs* 138 and 167 (Báhuslen), 169 (Østfold), 171 (Skaun).

⁵³ "hugdi, at bændr mundi koma til hans ok bidia myskunar ok bida yfirb[æ]tur" (*HsH* 114).

⁵⁴ *HsH* 114. The same thing happened in Denmark and Scotland, cf. pp. 279–81.

⁵⁵ *Svs* 138–39.

⁵⁶ *HsH* 117.

but waived them out of mercy.”⁵⁷ When he marched against Vermland two years later, after the Ribbungar had risen again, according to the saga he showed mercy several times to those who yielded to him.⁵⁸ When an old woman asked the king not to burn her daughter’s farm, the king pointed out that “several districts could have been left unburnt if people had come to him and asked for forgiveness”.⁵⁹

The term *miskunn* is not used about Sverre and the peasants, but Sverre could also show mercy to peasants who yielded to him. Whereas Håkon was beseeched by an old woman, it was a small boy who came to Sverre when he was burning farms in eastern Viken in 1200. When the boy asked that his father’s farm be spared, Sverre declared: “I would not have burnt any farms at all if the peasants had stayed at home and asked for quarter.”⁶⁰ The two stories are so similar and are so stylized that they can be suspected of being literary topoi, but this does not lessen their historical core: the king’s willingness to give quarter and show mercy to those who submitted to him.

It was far from always, however, that the kings granted quarter or mercy as unconditionally as in the cases above. We saw in connection with Sverre’s confrontation with Harald, earl of Orkney, in 1195 that Sverre’s mercy did not mean that Harald was acquitted of the charges; it paved the way for a settlement that placed heavy burdens on the earl.⁶¹ This was a much more common phenomenon in the kings’ conflicts with the peasants, especially in Sverre’s case. The little boy who came to Sverre, unlike the old woman who pleaded with Håkon, obtained the peace at a high price.⁶² The peasants all over Viken had to pay both taxes and fines for treason, and the tax alone was probably twice as high as what the peasants were used to.⁶³ Sverre continued to pursue the same harsh method after the battle of Oslo.⁶⁴ Peasants in West Norway and Trøndelag had also been subjected to Sverre’s severe

⁵⁷ “kongr lagde a þa mikít gíalld, en gaf þeim vpp fyrir miskunnar sakir” (*HsH* 101).

⁵⁸ *HsH* 112 (Moraster), 116 (Strand), 117 (western Holmedal and Knoll).

⁵⁹ “fleire bygdir myndi ubrendar, ef nockurir menn hefði at hans fund komit miskunnar at bidia” (*HsH* 114).

⁶⁰ “engi myndi brendr hafa verit i dag ef bøndr hefði heima verit oc beitt gríþa” (*Szs* 169).

⁶¹ *Szs* 125.

⁶² *Szs* 169, *HsH* 114.

⁶³ *Szs* 160, 162. Cf. Lunden 1976, pp. 67–68.

⁶⁴ *Szs* 167–71.

finest and taxation.⁶⁵ Sverre was not alone in taking this approach to the peasants, as Magnus Erlingsson had declared to the men of Orkdal in 1182 that they would only be given quarter if they paid all the duties he had imposed on them.⁶⁶ The same uncompromising attitude was displayed by the Kuflungar and the Baglar.⁶⁷

From King Håkon's time there are fewer references to fines imposed on peasants. On the expedition against Vermland fines are not mentioned except for the king's general aim before the campaign to extract compensation from the peasants.⁶⁸ Otherwise it happened only once that Håkon fined peasants,⁶⁹ whereas the Ribbungar, whose manoeuvres are referred to much less frequently, demanded fines from peasants in Viken twice.⁷⁰ On the expeditions to Denmark in the 1250s and to Scotland in 1263, by contrast, collecting fines was a strategy that Håkon often used.⁷¹

In an ideological perspective the confrontations between the king and peasants in the kings' sagas are presented as conflicts between subjects who had committed serious offences and a king who had the right and the responsibility to punish them. The king did not act as a party involved in the matter but as a representative and administrator of law and justice. It was better to meet the king than to run away from him, for in his judgement he took into consideration not just the peasants' crime but also their intentions. If they showed a willingness to submit to his judgement voluntarily, they could expect a much milder sentence than if they did not heed his summons. However, the leniency of the judgement also depended on the seriousness of their offence against him. The greater the crime of which they were guilty, the more difficult it was for him to withhold all punishment.

King Sverre differed from Håkon in that he encountered more opposition from the peasants. He consequently imposed fines and burned farms more often, and less frequently showed mercy to peasants. These differences reflect a real historical decline in the number of conflicts inside Norway, but also an ideological change, in that *Håkonar saga*

⁶⁵ *Svs* 81–82 (Sogn), 50 (Hordaland), 14 (Nidaros), 16, 25, 30 (Viken).

⁶⁶ *Svs* 69.

⁶⁷ *Svs* 108–9; 137, 150.

⁶⁸ *HsH* 111, 112.

⁶⁹ *HsH* 150.

⁷⁰ *HsH* 75, 127.

⁷¹ *HsH* 281, 286, 288 (Denmark); 320, 326 (Scotland).

Hákonarsonar, unlike *Sverris saga*, places great emphasis on the king's concern for his people.⁷² In both sagas, however, the king is portrayed as a *rex iustus*, in the sense that, when pronouncing judgement, he took into consideration both the nature of the offence and the offender's intention. Loyalty to the king seems absolute as regards both its meaning and its practice. The question is whether this version covers the peasants' perceptions of the confrontations. To find out this, we must investigate the peasants' actions more closely.

The practical perspective: an angry king threatens the peasants into submission

In the ideological perspective the confrontations between king and peasants were mainly perceived as legal conflicts, and it was the king's duty to administer the law with the greatest possible justice. The confrontations, however, took place in areas where the king's opponents were usually at least as strong as he was. This means that we cannot take it for granted that the king's legitimacy was unquestioned here. In the following I shall try to reconstruct the peasants' perception of the confrontations against the background of their actions and those of the kings in the specific situations, and the few times the peasants' defence against the king's accusations is recorded.

The first phase: the peasants dispute the king's accusation

We have seen that the king accused the peasants of high treason and demanded fines and taxes on a number of occasions. It is more difficult to ascertain the peasants' view of the kings' accusations, since there is little concrete testimony about their opinions in the contemporary sagas. It is hardly surprising that peasants did not willingly pay fines. Often the king's demand for *leidangr* was opposed or had to be achieved by force.⁷³

It is rare that the peasants were allowed to present their version, as they did in some of the famous peasants' speeches in *Heimskringla*. When Magnus Erlingsson demanded regular payments from Orkdal in 1182 we are told that a local peasant—Roe of Kjørstad—“answered the king with some words and asked for peace for the peasants.”⁷⁴ Sverre's

⁷² Bagge 1996, pp. 61–75, 97, 147–55.

⁷³ This happened most often in *Szs* (137, 139, 142, 154, 160 167, 172), but was also fairly common in *HsH* (10, 80, 119, 141, 208, 210, 225).

⁷⁴ “svaraði konungi noccorum orðum oc beiddi buondum friðar oc griða” (*Szs* 69).

accusations against the men of Bergen in 1198 were countered by a man called Finn formann, but the saga does not detail his arguments.⁷⁵

The peasants' defence is, however, reported more exhaustively once in *Sverris saga*, in Båhuslen in 1197. The peasants' spokesman was Helge from Gulmaren, and he had to respond to Sverre's accusation that they had taken part in a gathering against the king and elected another man king.⁷⁶ Helge's arguments against the king's accusations were of a decidedly pragmatic character. When faced with the charge of having opposed the king, he did not deny that they had put up resistance, but his defence was that they had not done much wrong: "There were not many men from our district in that war band, and those who were in it had little influence."⁷⁷ A mitigating factor was thus their lack of will to oppose the king (there had been few of them), and their poor ability to do so (they had little say in the matter). They were not entirely innocent, but nor were they very guilty: "we do not feel so much [guilt] in this."⁷⁸ Guilt was not something one either had or did not have, with punishment or acquittal as the only alternatives. It was something one could have in greater or lesser measure; the degree of guilt could be balanced by fines, and if they were waived it could result in friendship. Helge's view of disloyalty resembles the stance adopted towards Sverre two years earlier by the earl of Orkney, Harald Maddadsson.⁷⁹ In the face of the king's dichotomous model of loyalty, based on an absolute understanding of the concept, both men responded by asserting a continuum model of loyalty based on a pragmatic concept of guilt. The next charge revealed that this perception was not so alien to the king in practice.

The king's other accusation against the peasants in Gulmaren was that they had taken another king. Helge had two arguments against this charge, one formal and one pragmatic. Formally speaking it was only at the *Øyrating* (the assembly at Øyra) that a man could be acclaimed as king, so regardless of what they had done, it would not have been valid. The pragmatic argument was formulated as follows by Helge:

⁷⁵ *Svs* 146.

⁷⁶ *Svs* 138. Terms of loyalty are not used in this episode. The king's accusations concerned the support they had given the Baglar in Seimsfjorden the year before, when the Birkibeinar had been pressured into withdrawing from Viken (129–32).

⁷⁷ "Eigi varo margir menn or varum heruðum i þeima flocki oc þo með litlo radi þeir er varo" (*Svs* 138).

⁷⁸ "kennum ver herra ecki vart mart a þeso" (*Svs* 138).

⁷⁹ *Svs* 125.

“we are not so stupid that we thoughtlessly join a band that was not stronger but still opposed you, Lord.”⁸⁰ On the one hand the statement contains an open invitation to Sverre, in that Helge confirms that he is on his side. On the other hand, Helge implied that it was not at all impossible that they would join an opposing faction in the future, provided that the faction was stronger than the Baglar. The statement thus had a pragmatic aspect that was in Sverre’s favour (you are strongest), and a point of principle, that power prevails (we will always support the strongest party). It was evidently sufficient for Sverre to receive a confirmation of a pragmatic kind. Loyalty varied depending on power relations, and the best he could hope for was that the peasants regarded him as the strongest.

The second phase: the peasants submit to the king out of necessity

The peasants ended up submitting to the king in most confrontations with him, but it happened several times that they did not. Moreover, their submission is described as being more compelled by necessity in *Sverris saga* than in *Hákonar saga Hákonarsonar*, and more so than in the cases where magnates submitted to the king. In the following I shall look more closely at what submission meant to the peasants in *Sverris saga*, before I examine this in *Hákonar saga Hákonarsonar*.

We have seen that Magnus Erlingsson threatened the peasants of Orkdal with his and God’s wrath in 1182, and that Sverre acted similarly towards the men of Bergen in 1198. In an ideological perspective this could be interpreted as expressions of the legitimate king’s righteous anger. However, this interpretation misses not only the peasants’ understanding of the anger, but also essential sides of the intention behind the king’s reaction. If Magnus’s anger was to work as he calculated, it was essential that it should seem uncontrolled and thus unpredictable, as we saw in connection with the magnates. The reaction of the Orkdalers to his outburst indicates that he succeeded in this: “The peasants thought for a while that he was going to come at them and kill them.”⁸¹

The king’s anger and the peasants’ fear were not by-products of a legally defined conflict. The Orkdalers’ fear for their lives shows that the king’s anger was not related to an abstract concept of Justice or to

⁸⁰ “ver munum eigi sva heimscir men vera at fylla með alita-leysi þan flocc er eigi var við meira mætti til comin oc þo gagnstaðligr yðr herra” (*Svs* 138).

⁸¹ “hugðu bøndr þat um rið at hann myndi vilia ganga at þeim oc drepa þo” (*Svs* 69).

the limitations inherent in law. When Magnus “was so angry that he cursed”, it was because he felt insulted, and the anger signalled his desire to avenge this.⁸² His anger ran counter to the exhortation in *Konungs skuggsiá* not to take vengeance in a state of affect.⁸³ It also differed from the norm of revenge, which required balance and moderation. Because the king’s honour was greater than that of other men, his retaliation could radically exceed the original insult.⁸⁴ If the peasants were afraid, that was precisely what the king wanted to achieve. Outbreaks of royal anger were one way to make the peasants understand that he would not accept anything less than their full submission.

Snorri Sturluson formulated the peasants’ reaction to the threats of powerful kings as virtually a historical “law” in *Heimskringla*: “as often is the case when the people of a country are exposed to harrying and find no support for making resistance, most of them assented to all the conditions laid upon them in order to buy peace for themselves.”⁸⁵ The Orkdalers also ended up by yielding completely to Magnus. The peasant Roe asked for peace and a period of grace, and the saga says that the king gave them a deadline of half a month. The same thing happened in the wake of Sverre’s outburst against the men of Bergen in 1198, after which “they all submitted to all the king’s demands”.⁸⁶ Ten years earlier it was the Kuflungar who had “threatened them with harsh measures” if the people of Bergen refused to pay tax.⁸⁷

The terminology corroborates the hypothesis of the king’s “transformation” from a predictable punishing king to a furious avenger. Magnus’s initial accusations against the Orkdalers in 1182 were couched in formal, legal language, with the peasants’ economic obligations being referred to in the technical terms *leiðangr*, *utvinnur*, *landz-scylldir*, and *saceyri*. When Magnus’s anger grew and the concrete payment appeared

⁸² “varþ sva reiðr at hann bannaðiz um” (*Szs* 69).

⁸³ *KS* 6 (27). Cf. the chapter about the king and the magnates, pp. 140–41#.

⁸⁴ Michel Foucault cites striking examples demonstrating that the function of punishment was to restore the king’s lost honour in *Discipline and Punish: The Birth of the Prison*, Harmondsworth 1979. Even though he is dealing with a later period in French history, his descriptions show clear similarities to royal power in the High Middle Ages.

⁸⁵ *OH* 145. A Birkibeinn summed up the peasants’ thinking like this: “The merchant and the peasant are afraid for themselves and their money, and they are afraid of wind and water” (*Szs* 96).

⁸⁶ “þeir gengo undir þat allt er konungr beiddiz” (*Szs* 146).

⁸⁷ “hætu þeim afar-costum imot” (*Szs* 109).

on the agenda, however, the parties switched to talking about *gjalld*.⁸⁸ In the laws *gjalld* meant payment, and in addition an almost technical sense of compensation or punitive fines.⁸⁹ Heggstad adds “tax” as one meaning of the term.⁹⁰ The verb *gjalda* is mostly used in the laws in the corresponding sense of yielding up a payment.⁹¹ In the contemporary kings’ sagas the terms are mostly used in connection with conflicts between king and peasants, where they are normally translated as the fines or taxes the peasants paid to the king.⁹² They thus represent the king’s right to tax the peasants and demand compensation from them if they had broken the law.

Gjald, however, can also mean retribution (Heggstad) or compensation for causing a wrong or a loss to someone (Fritzner).⁹³ *Gjalda* has the corresponding meaning, to retaliate or avenge.⁹⁴ The Orkdalers’ fear of Magnus Erlingsson suggests that the latter meaning is most relevant here. They scarcely interpreted the king’s demand for *gjalld* as having a formal legal basis, but rather as an expression that he wanted satisfaction because he felt he had suffered a personal insult.⁹⁵ If Magnus was “so angry that he cursed”, it indicates that he too perceived it in this way.

The king’s outbursts of anger on these occasions are far from the king’s righteous anger in yet another way, for here the reaction must be interpreted as an expression that his position was threatened. Sverre’s harsh accusations against the men of Bergen in 1198 fell on deaf ears for a long time. Their leader Finn “spoke against him and ended by saying the same as before, that they wished to be spared the king’s demands.”⁹⁶ The same happened to the threats of the Kuflungar ten years before, when the townsmen “excused themselves from payment”.⁹⁷

⁸⁸ Cf. also Sverre’s expedition to the Orkneys against Earl Harald, described as *gjalld* (*Svs* 125).

⁸⁹ *Glossarium*: *gjald*. The latter meaning occurs only in the plural.

⁹⁰ Heggstad: *gjald*.

⁹¹ *Glossarium*: *gjalda*.

⁹² Cf. pp. 263–64.

⁹³ Heggstad, *Ordbog*: *gjald*.

⁹⁴ Heggstad: *gjalda*. This also implicitly applies in *Ordbog*: *gjalda*.

⁹⁵ Holtmark translates the term as payment and debt. *Gjalda* was also used by the kings in the sense of retribution and revenge, as in connection with the battle of Oslo, where Sverre incited his men to *gjalda* the peasants (“pay them back”) (*Svs* 164).

⁹⁶ “talaði imot honom oc com i sama stað niðr um þat sem hann beiddiz at undandrát var i mali þeira” (*Svs* 146).

⁹⁷ “mælltuz undan um gialldit” (*Svs* 109).

In 1188 the townspeople were rescued from the grip of the Kuflungar by the Birkibeinar, but in 1198 they ended up yielding to Sverre. Yet it is not certain that the king always gained such unconditional acceptance for his claims as the saga implies. The Orkdalers who gave in to Magnus in 1182 were granted as much as fourteen days to collect the payment to him. By comparison, the men of Sogn were given three nights to pay fines in 1184, and the peasants in Svanhals just one day in 1197.⁹⁸ The long period of grace conceded to the Orkdalers cannot be due solely to the length of time it would take to collect such a large sum, for the peasants of Sogn and Svanhals were also obliged to pay large sums, and the latter were able to do so in the one day they were given.⁹⁹

This suggests that there were tactical considerations behind the long period granted to the Orkdalers by Magnus, and that it can be interpreted as a reflection that Magnus's anger did not have the full effect on them. The peasants had good reasons for delaying the matter, for a great deal could happen in fourteen days when a war band was in enemy territory. To begin with, the king could run into problems in the ranks, as I discussed in the chapter on retainers. When the peasants in Svanhals did not come to the assembly summoned by Sverre in 1197, it is said that the soldiers were planning to abandon the *leidangr*. The king, however, managed to stop the tendencies to desertion, and the result was that the peasants had to accept an even tougher settlement.¹⁰⁰ The peasants' actions are nevertheless incomprehensible if we do not take into consideration that this *could* have turned out otherwise. In Svanhals the peasants were probably close to drawing the longest straw. The year before this, Sverre had been pressured to leave Viken on account of discontent among the army.¹⁰¹

The other problem the king encountered with growing force as time passed was the risk that another war band would come to the peasants' rescue. After Magnus Erlingsson had left for Denmark in 1180, the saga says that Sverre moved around in Viken and took "dues and fines and

⁹⁸ *Svs* 82, 139.

⁹⁹ The Orkdalers were supposed to pay several years' taxes and arrears (*Svs* 69), the men of Sogn 15 marks in gold (*Svs* 82; equivalent to about 360 cows, cf. Lunden 1976, p. 177), and the peasants of Svanhals several hundred head of cattle and many other wares (*Svs* 139).

¹⁰⁰ *Svs* 139.

¹⁰¹ *Svs* 132.

everything he could ask from the peasants”.¹⁰² When the Birkibeinar learned that Magnus was on the way to Viken, however, they were quick to withdraw, as they considered the men of Viken to be “worse to run into than the worst heathens”.¹⁰³ For Magnus Erlingsson in 1182, fourteen days proved to be such a long time that he did not succeed in collecting the payment from the Orkdalers, since Sverre came to the district one or two days later.¹⁰⁴ The quick rescue may have come by chance in this case. Sverre had started his move north before this happened, and Magnus probably did not know that Sverre was nearby when he reached Orkdal. On the contrary, he must have felt that his position was relatively secure after having driven the Birkibeinar from Nidaros four days earlier.¹⁰⁵ It is difficult to say what the Orkdalers knew, but when Sverre was so close, it is not unlikely that rumours had preceded his arrival. The most important thing in this context, however, is that the peasants hoped for help from those who normally protected them, and that a long period of grace increased the possibility that this could happen. This is also evident in other instances.

When the Kuflungar threatened to burn Bergen in 1188 if the townspeople did not pay tribute, the saga says that they answered evasively “and asked for respite”.¹⁰⁶ The Kuflungar refused, but the result was nevertheless that the matter was delayed so long that the Birkibeinar arrived before the tribute was paid. When the men of Sogn were faced with Sverre’s demands in 1184, the saga says that they “decided to take advantage of the respite the king had given them”, and escaped to the mountains with everything they could take with them.¹⁰⁷ If we follow Sverre Bagge in his theory that Magnus Erlingsson’s arrival in Sognefjorden in 1184 did not come as such a surprise to Sverre as the saga implies, the men of Sogn may have known that Magnus was

¹⁰² “*toc þar alt scylldir oc utlegðir. oc allt þat er hann kunni beiðaz af buondum*” (*Svs* 51).

¹⁰³ “*þetta lanz-folc er os verra fyrir at hitta [...] en hit versta heiðit folc*” (*Svs* 51). This also often applied to the Birkibeinar in West Norway, where the saga says that the peasants warned Magnus, but not Sverre, about what they knew (86, 88).

¹⁰⁴ Magnus summoned the Orkdalers to an assembly on 24 February, and two days later he was visited by Ottar Gåse, who had run away from Orkdal when Sverre arrived there (*Svs* 70). Of Sverre we are told that he was in Nidaros on 27 February. Before that he had been in Orkdal (68).

¹⁰⁵ *Svs* 68.

¹⁰⁶ “*baðu ser fresta*” (*Svs* 109).

¹⁰⁷ “*Síþan gerðu þeir rað sitt allir saman bøndr. kom þat a-samt at þeir nyttu ser þesa stund er konungr hafði gefit þeim*” (*Svs* 82).

on the way when Sverre summoned them to an assembly, and hoped that they would come to their rescue before the three days' grace that Sverre had given them.¹⁰⁸ When Sverre was in eastern Viken in 1200, the saga recounts that the majority of the peasants did not attend the assembly, the reason being that "they relied on the Baglar coming to help them".¹⁰⁹

The peasants scarcely sat passively waiting for help to arrive. Further south in Viken the peasants had likewise fled from their farms, and here we are told that they had a meeting with the Baglar where they declared their wishes loud and clear: "The peasants urged them to go against the king and fight with him, otherwise he would burn the district."¹¹⁰ The Baglar agreed to this, and they hardly had any option if they wanted to retain the peasants' support. Two years earlier the peasants around Bergen had sent a message asking them to come "to protect them and their livestock" against the Birkibeinar.¹¹¹ The seriousness of this plea is evident from the fact that the Baglar undertook to tend all the livestock without any objections.¹¹²

Nor were the men of Trøndelag passive when Magnus Erlingsson came there in 1181–82. After having been defeated by Magnus at Nidaros in November 1181, Eirik kongssønn went to Sverre in East Norway, arriving just before Christmas. He pleaded on behalf of the Trønds for Sverre to go there, as Magnus had threatened to repay their treachery against him and his father.¹¹³ The saga, however, says that Sverre "did not care much for talk like this".¹¹⁴ On the contrary, he reproached the Trønds for their poor defence against the Heklungar, and refused to come to Trøndelag immediately because he wanted to

¹⁰⁸ The deadline is said to have been 13 June, and Sverre then started burning farms (*Svs* 82). The next day Magnus came to Bergen after having spent a long time on the coast of West Norway (86). The battle of Fimreite was fought on 15 June. The saga says that the peasants of Sogn went to Magnus as soon as he arrived there (87–88). Cf. Bagge 1996, pp. 43–49.

¹⁰⁹ "treystuz þeir a þat at Baglar myndo coma þeim til fulltings" (*Svs* 169).

¹¹⁰ "Egíóðu bændr at fara moti konungi oc beriaz við hann oc sogðu sva at hann myndi brenna elligar bygðina" (*Svs* 167).

¹¹¹ "þeir scylldi vera vorn firir þeim oc búm þeira" (*Svs* 148). When Sverre had forced the Hadelanders into obedience in 1177, the saga says that the peasants nevertheless sent messengers for the Heklungar (*Svs* 16).

¹¹² *Svs* 209. In 1177 too, Sverre's started moving quickly when they received the message from the peasants (*Svs* 16).

¹¹³ *Svs* 65.

¹¹⁴ "hann myndi ecki fara at um þær sagnir" (*Svs* 65).

celebrate Christmas in Viken.¹¹⁵ However, there is little reason to believe that Sverre took his role of protecting the peasants of Trøndelag any more lightly than the other faction leaders did, for he headed north just after Christmas. It was high time too, for when the Birkibeinar had been driven from Nidaros by the Heklungar a few days before Sverre's arrival for the second time, one of the fleeing men said about the Trøndelag peasants: "People will join them, [...] but no one will have anything to do with us now."¹¹⁶ Sverre too had to comply with the peasants' plea for protection if he wanted to keep them on his side, just as the peasants elsewhere pressured the Baglar to come to their rescue. Magnus was also aware that the threat from the Birkibeinar did not end with the winning of a battle. When the Gauldalers did not attend an assembly to which they had been summoned two days after the Orkdalers, the Heklungar were clear about their interpretation of this: "it seemed strange to them unless the Birkibeinar were nearby."¹¹⁷ They knew that the peasants hoped to be rescued by the Birkibeinar, and interpreted their absence to mean that this had happened.¹¹⁸

Hákonar saga Hákonarsonar has much fewer descriptions of this kind of tug-of-war between king and peasants than *Sverris saga*. This should undoubtedly be linked to the fact that Hákon encountered less resistance from the peasants, but ideological factors were also at play here, in that the *rex iustus* ideology of the sagas made it more problematic to report antagonisms between the king and the peasants.¹¹⁹ Whereas the saga portrays Hákon as just, the skaldic poems included in it give a different glimpse of how the king was regarded. During the Vermland expedition the king's terrifying image is highlighted in the poems by Sturla and his brother Olav Kvitaskald, as in this passage from Olav:

Chieftain, you let flames rage;
fire went over men's homes.
Peasants suffered sorely
when the big blaze was lit.¹²⁰

¹¹⁵ *Svs* 65.

¹¹⁶ "þeim mun samnaz lid [...] en os munu engir menn við faz" (*Svs* 68).

¹¹⁷ "þotti þetta undarlicet ef Birkibeinar væri eigi í nand" (*Svs* 70).

¹¹⁸ The Heklungar had also been warned that the Birkibeinar were on the way the same day by Ottar Gåse, who had managed to flee from Sverre in Orkdal (*Svs* 68, 70). When the Birkibeinar did not arrive during the day, they ended up disbelieving Ottar.

¹¹⁹ Cf. note 72 on Bagge 1996.

¹²⁰ "leztu, ræsir, gim geisa,/ geck elldr vm siot recka;/ bændr hlutu, þa [sic] kyndizt/kapshar logi, sara" (*HsH* 114).

Little literary merit is ascribed to the poems in *Hákonar saga Hákonarsonar*, and generally speaking, praise of a king spreading terror is one of the most common skaldic topoi. In this context it is an advantage that they were written by the saga author and his brother. They thus shed light on the same events from a different stance from that adopted by the saga itself, not unlike the way *Hákonar saga Hákonarsonar* and *Íslendinga saga* stand in relation to each other. We have previously seen that harrying peasants was a deep-rooted part of a warrior culture.¹²¹ The fact that it was still legitimate to boast of the harrying king suggests that this kind of behaviour was still considered respectable and honourable at this time.

It is nevertheless typical of *Hákonar saga Hákonarsonar* that Olav ends the poem about the Vermlanders' fear of King Håkon by returning to the judicial sphere: "Just warrior, you let fire punish treachery."¹²² Yet there is little reason to accept this as anything but an ideological varnish from the peasants' point of view. Their attitude is more precisely described by Sturla in another poem: "All the peoples fear the wrath of the oath-fast king."¹²³

The awe-inspiring king is a common theme in the poems from Håkon's expedition to Denmark in the 1250s and to the western islands in 1263. Sturla's poems from the expeditions against Denmark are about how the king's army provoked great fear by harrying and burning farms. Here, however, this view of the king is the same as that in the saga itself, which is not the case concerning the Vermland expedition. The people of Zealand, for example, are said to have been "very afraid that King Håkon would harry them",¹²⁴ and the people of Gautaland "were very afraid that the king would do great damage in their country".¹²⁵ Yet it was not the submission of peasants that Håkon sought in other countries, but that of other kings and chieftains. The plunder was legitimated as revenge for insults inflicted on Håkon by the king of Denmark, and the aim of harrying was to create so much fear that he would surrender. It was not until Håkon came to Denmark

¹²¹ Cf. pp. 140–41.

¹²² "gegn, letud hyr hegna,/hialldrels fromudr! Velar" (*HsH* 114).

¹²³ "eyduat [sic] allar þiðir,/eiduandr, kongs reide" (*HsH* 117).

¹²⁴ "voru miog hræðir, at kongr mundi heria a þa" (*HsH* 288). Cf. also "there was great awe of him [Håkon unge] among the Danes" (288).

¹²⁵ "miog voru þeir hræddir vm [...] at kongr mundi giora stor heruirke j þeirra lande" (*HsH* 267). Cf. also 278, 280, 285–86.

with a large army that the Danish king yielded, “so that the Norwegians would not harry his kingdom”,¹²⁶

Confrontations like this largely followed the same pattern as in *Sverris saga*. Håkon was under similar cross-pressure when the conflicts became protracted in the way the kings in *Sverris saga* experienced in relation to peasants in Norway. Firstly, the soldiers’ discontent grew steadily as long as they were not permitted to plunder,¹²⁷ besides which most of them wanted to get home soon.¹²⁸ Secondly, the other side used the time to mobilize its own forces and others’. Håkon ran into resistance in both Vermland and Scotland. In Vermland it is clear that many peasants expected assistance from the Ribbungar, in the same way as the men of Viken had anticipated help from the Baglar around 1200.¹²⁹ In Scotland it is evident that the Scottish king deliberately delayed the settlement negotiations in order to win time to mobilize his forces and then take the Norwegian army by surprise.¹³⁰

The striking way in which the king in *Hákonar saga Hákonarsonar* seemed to stop displaying his anger and instilling fear among the peasants need not therefore mean that this kind of exercise of royal power was no longer practised. The description of King Håkon in the skaldic poems and the saga’s description of him abroad indicates that he too behaved in this manner. The difference with respect to *Sverris saga* is that he did it less often, and that it mostly happened outside Norway. With the *rex iustus* ideology, a sharp distinction was made between domestic and foreign areas. The king was supposed to rule justly over a clearly defined territory, but outside this area the ideal did not apply. It was therefore no problem for Sturla to describe royal revenge and anger abroad.

Sverris saga shows that it is misleading to operate with a sharp distinction between domestic and foreign territories. The king’s control over his “realm” varied depending on where he happened to be and what opposing forces there were. A distinction like this is also misleading in *Hákonar saga Hákonarsonar* because the king’s control over different areas was not constant, even if he did not encounter as powerful resistance as

¹²⁶ “at Nordmenn skyldu eigi heria j ríki [hans]” (*HsH* 291). The settlement, however, was not more one-sided than that each side forgave the other (293).

¹²⁷ *HsH* 114, 293, 322.

¹²⁸ *HsH* 326.

¹²⁹ *HsH* 115–17.

¹³⁰ *HsH* 322–23 (delaying); 325–26 (surprise).

Sverre. During the Vermland expedition King Håkon was fully aware of when he crossed the border into the realm of the Swedish king, but he did not behave differently in “Norway” and “Sweden”, and he was met with the same type of resistance on both sides of the border.¹³¹ We saw in the section about Icelandic chieftains that there was likewise no crucial dividing line between Norway and Iceland before the formal incorporation of the latter in 1262/64, since magnates in both places were attached to the king’s hird. More fixed national borders were about to be established in the thirteenth centuries, but these borders do not seem to have been of any great significance in this period when it comes to practical action. When we assess the king’s practice, then, it is more relevant to distinguish between centre and periphery than between home and abroad.

Summing up, the peasants’ reaction in confrontations with the king in the periphery can be characterized as delaying tactics. They were interested in time passing, because this increased the probability that the army by which they were normally protected would come to their rescue. Yet they were playing a dangerous game when they stalled in the king’s presence, because he was aware of what they were up to, and they ran the risk that he could tire of their tactical manoeuvres and resort to more drastic measures. For there was no doubt that the king had the upper hand in the situation, and that he tried to use it to speed matters up.

The third phase: peasants are harried by the king or granted a settlement

In the ideological perspective the king passed his judgement on disloyal peasants, based on the nature of the offence and the intentions of the offender. Those who heeded king’s summons thereby confirmed their good intentions, and the offence could then be forgiven or atoned for by a fine, while those who stayed away could be severely punished because their absence was a mark of their resistance to the king. Yet this was scarcely how the peasants perceived the conflicts with the king.

The peasants basically seem to have expected little lenience from kings who were on “punitive expeditions”. The realistic alternatives

¹³¹ *HsH* 111. The diffuse character of the borders is also evident after the settlement with the Ribbungar, when we are told that the Ribbungar who could not expect quarter fled “from Norway east to Marker” (*HsH* 156). Marker was formally a part of Norway, but in reality it was so weakly integrated that it was not counted as a part of Norway. This was probably the case after 1227 too, cf. *HsH* 238.

consisted of either obeying the summons and being fined by the king, or not showing up and being plundered. From the peasants' standpoint there was not much difference between the two alternatives, for both meant that the king acquired large amounts from them. Through heavy taxation and fining the king signalled that he treated the peasants as opponents, and he could therefore not expect to meet anything but resistance from them. Both Sverre and Håkon, on their large-scale actions in 1200 and 1225 respectively, witnessed how peasants failed to obey their summons,¹³² and the kings were also attacked several times by peasants.¹³³ The fact that the peasants put up resistance at all implies that they did not accept the king's demands.

The sagas nevertheless tell how the kings on some occasions gave favourable conditions to peasants who came to meet them. Sverre gave unconditional truces to all those who came to him in Bergen after his victory over Magnus in 1184 and to the peasants in Gulmaren in 1197, while Håkon gave truces to peasants who heeded his summons several times both before and during the Vermland expedition.¹³⁴ It is doubtful, however, whether peasants were granted truces and mercy on such good terms as the sagas suggest. If so, it is difficult to explain why more people did not submit to the king, preferring to stay away and risk having their farms burned. This applies in particular to Håkon's Vermland expedition. When the king came to Strand the peasants' leader, Geir, yielded totally to the king, who ruled that everyone who put up a white flag on their houses would avoid being plundered when he passed with the army, and he ordered men to ensure that this was done. After having stated that there were only twenty-four farms in this district, Sturla concludes: "many peasants nevertheless put up the same flag, and they were all given quarter."¹³⁵ The strange thing here is not that many peasants displayed the sign, but that not all of them did so even though it gave them the chance to avoid having their farms burned.¹³⁶ That the king was not making empty threats is clearly seen when Håkon looked in on his way back: "they burned everywhere they

¹³² *Svs* 167–69, cf. 81, 139; *HsH* 111–17.

¹³³ *Svs* 162–68, *HsH* 115–17.

¹³⁴ *Svs* 97–99, 138, *HsH* 101, 112, 116–17.

¹³⁵ "en þo giordu fleire bændr slikt sama mark, ok fengu allir grid" (*HsH* 116).

¹³⁶ Cf. the chapter about the king and the retainers, pp. 140–43, about problems with harrying.

went, because no one came to beg for mercy.”¹³⁷ The conditions for receiving quarter may have been stricter here than the saga says. *Sverris saga* is more explicit in this respect. The boy who gained quarter for his district in 1200, unlike the old woman in 1225, had to pay dearly for the peace.¹³⁸

In the ideological perspective, the reason why many peasants kept away from the king even with the possibility that they would be offered a truce was that their offences were so grave that they expected heavy fines. If we look at the events from the peasants’ standpoint, however, this is dubious. Here it is primarily the unpredictability of the king’s behaviour that is noticeable. The men of Sogn who had killed Sverre’s (*sýslumenn*) came when Sverre first summoned them in 1184, probably because they assumed that a settlement was not totally out of the question. Yet Sverre’s terms were so severe that they preferred to escape to the mountains.¹³⁹ When they went to see the king after his victory at Fimreite they had to pay high fines, unlike those who answered his summons in Bergen in 1184.¹⁴⁰ In 1200 the peasants of Konghelle came to Sverre because, like the peasants in Gulmaren three years before, they felt that they had not seriously offended against him. Whereas the latter received a favourable settlement, King Sverre did not accept the Konghelle peasants’ excuses and imposed harsh terms on them.¹⁴¹ King Håkon does not seem to have judged matters any differently. He granted a truce to a group of Vermlanders in 1225 on the grounds that “the Ribbungar had not been further out in the country than that”.¹⁴² In other cases he showed mercy to peasants even without any such mitigating circumstances.¹⁴³ If the king took the seriousness of the offence into consideration, the best we can say about his assessments is that they were difficult to predict.

The result of this was that the peasants could never be entirely sure of what would happen. They could, like the peasants in Gulmaren (1197), Konghelle (1200), and Sogn (1184), hope for a reasonable settlement if they heeded the king’s summons. The chances of this were

¹³⁷ “var þa brent, huar sem þeir foru, þuiat þar komu onguir menn mysunnar at bidia” (*HS* 117).

¹³⁸ *SS* 169, *HS* 114.

¹³⁹ *SS* 82.

¹⁴⁰ *SS* 97–99 vs. 96.

¹⁴¹ *SS* 167 vs. 138.

¹⁴² “Ribbungar hofdu ecki leingra verit vt j landit en þar” (*HS* 117).

¹⁴³ *HS* 112 (Moraster), 116, 117 (Strand), 117 (western Holmedal).

relatively small, but they did exist. The first group received a tolerable settlement, the last two did not. Alternatively, they could hope that the king would not burn their farms if they stayed away, as the peasants in Svanhals may have speculated on. Here too the prospects were poor, but the outcome was not a foregone conclusion. The peasants could be rescued, and the king could be more lenient than expected.

There is nevertheless a crucial difference between claiming that the chances were small and that they did not exist. This is not just hair-splitting. There is a degree of uncertainty and unpredictability in all societies, but the significance of this in medieval society differed from what it means in modern society.¹⁴⁴ We have seen that a distinction can be made between central areas supporting the king and peripheral hostile areas, and the tendency was that the king acted more harshly in hostile territory than in his heartland. The difference between centre and periphery, however, was not sharply drawn, and the dividing line shifted through time. The most probable course was that, in the periphery, the king was anxious to acquire revenue and to reduce his opponent's resource base, and would therefore act more harshly. There was, however, a possibility that he would be milder if his aim was to gain control over the area, in other words, to make it a part of the centre. It was therefore impossible to know for sure in advance what would be the result of the encounter. It is this element of uncertainty that lies behind the complex and varied outcome of the encounters between kings and peasants in the kings' sagas.

This uncertainty was not an exception in the king's behaviour which was restricted to particular occasions or areas. We have seen the same in connection with the magnates' relationship to the king. Royal unpredictability was not an unintentional departure from an absolute legal practice, but an integral part of the king's exercise of power. Unpredictability was one of the king's strongest cards against the peasants, and could to some degree compensate for his incomplete apparatus of power and legitimacy. The king certainly had the overall task of creating security within his realm, which meant that he had to get rid of people who obviously challenged his lordship. It was crucial, however, that people felt some fear and insecurity *vis-à-vis* the king's own person. Sverre was tougher against the peasants than Håkon was,

¹⁴⁴ The differences between medieval and modern unpredictability will be discussed in more detail in the conclusion.

but if we examine their behaviour more closely, it is the alternation between severity and indulgence that is most obvious. This element of unpredictability in the exercise of power was not something the kings sought to eliminate; on the contrary, they deliberately played on it, because they did not have the power to control the population by administering justice according to the letter of the law.

I shall conclude this part by considering an important difference between the king's relationship to magnates and peasants, namely, his tougher treatment of the peasants. In connection with the king's confrontations with magnates I pointed out that the most important thing for the king was to ascertain whether they would submit to him or not. If the magnates were willing to do so, he was ready to forgive them for virtually anything. If voluntary submission was valued so highly, it is because it was perceived as an expression of something more than a purely situational tactic, in that it marked a recognition of the king as lord. Similarly, when peasants asked for quarter it was not directly refused by the king. The great symbolic significance of the peasants' willingness to submit was the probable reason why both *Sverris saga* and *Hákonar saga Hákonarsonar* devote so much room to episodes where the king was begged to give quarter. The difference with respect to the magnates, however, is that the king did not let mercy go before justice.

The reason the kings were less willing to indulge peasants than magnates must be viewed in connection with the king's more peripheral relationship to the peasants than to the magnates. The kings' sagas do not give much insight into local power relations, but they indicate that the peasants were usually attached to local magnates who were capable of protecting them. Unlike the king, these magnates were constantly present in the area. The question of who could protect the peasants best was not decided by the king's treatment of the peasants at these rare meetings, but by the king's relationship to the peasants' local protectors. That was why it was so important for the kings to treat local magnates well, for they held the key to his control over the peasants. In the final instance, it was the outcome of battles between rival factions that decided this. It is illustrative that most of the times when kings yielded totally to peasants in the periphery, it was in situations where they had overcome their rivals and consequently had a hope of gaining control over the area. They knew that it was a waste of time to give peasants a reasonable settlement if they were unable to keep hostile armies out of the area.

2. *The Prior History of the Confrontations:
Was Disloyalty Unexpected?*

Above I have analysed situations where kings accused peasants of various forms of disloyalty and, most of the time, imposed harsh terms on them. The central question in the rest of this chapter is to what extent the king's demand for loyalty in these specific situations was representative of his relationship to the peasants in these areas. This will be investigated by extending the perspective backwards and forwards in time. The analysis of the subsequent history, which will follow at the end of this chapter, is about how far the king's demands for loyalty were complied with after the confrontations. First, however, I shall analyse what happened beforehand, to find out whether what was called disloyalty came as a surprise to the king. If the peasants' disloyalty was unexpected, it can be regarded as an expression that there was an absolute norm of loyalty to the king, which the peasants here had offended against. If the peasants' disloyalty was expected, on the other hand, it suggests that loyalty to the king was a more contextual norm. At the end of the chapter there will be a discussion of how representative the confrontations were, based on the distinction between centre and periphery.

The ideological perspective: the peasants' disloyalty as "unbelievable"

In the part about the magnates I pointed out that their disloyalty to Sverre was described as being expected in the ideological perspective because it emphasized the king's foresight. This is not the case when it comes to peasants' disloyalty. A running theme in both *Sverris saga* and *Hákonar saga Hákonarsonar* is that peasants' disloyalty to the king seemed unexpected. This is most obvious in connection with the army raised in Viken against Sverre in 1200. The king's first reaction when he heard of this was that it sounded "útrúlic", which can mean "suspicious", but also "unbelievable".¹⁴⁵ What Sverre could not believe, and what it seemingly took a long time before he realized, was that the peasants had assembled against him. He first inquired in the *leiðangr*, where he found out that many of the peasants were missing. He then sent messengers to summon the absent peasants, but they did not show up in

¹⁴⁵ *Svs* 162. *Ordbog*, s.v. *útrúlig*.

the next two days. It was not until a peasant reported that a peasant army was close that Sverre realized that the peasants had assembled against him. Sverre's surprise underlines how unexpected such a move was, and consequently the character of the action as a breach of a norm. A further exacerbating circumstance was that it was the very same peasants that Sverre had recruited to his army who had switched to the opposing army.

The disloyalty of the men of Sogn to Sverre in 1184 and of the Orkdalers to Magnus Erlingsson in 1182 was also depicted as unexpected. What was surprising about the disloyalty in Sogn was that the peasants ran away after Sverre had imposed heavy fines on them at the assembly in June 1184, which he is said not to have realized before the deadline had passed, and their killing of Sverre's *sýslumenn*, since they had not done anything more than to collect a legitimate tax—*úlgerð*.¹⁴⁶ When the Orkdalers were accused by Magnus Erlingsson of failing to pay *leiðangr* duties, he specified that even though he had not met them for three years, "you should have paid me *leiðangr* tax every year".¹⁴⁷

King Håkon expressed similar surprise when he came to Vermland in 1225, where he forbade the army to burn because he "thought that the peasants would come to him and ask for mercy and offer compensation".¹⁴⁸ This expectation was not fulfilled, however, since the peasants had fled. Here too the peasants' obligations to the king were underlined, for when Sigurd Ribbung rose against Håkon once again in 1224, according to the saga it was after he had received a secret letter urging him to do so from "some of the Vermlanders who had previously sworn an oath of loyalty to King Håkon".¹⁴⁹

Based on the king's statements in *Sverris saga* and *Hákonar saga Hákonarsonar*, the peasants' disloyalty and opposition to the king is portrayed as unexpected and outrageous. The question is whether this holds water when we analyse what the actors did before the conflict situations arose.

¹⁴⁶ *Svs* 82, cf. 79.

¹⁴⁷ "þer hafit att at gera a þeima" (*Svs* 69), cf. *Svs* 65.

¹⁴⁸ *HsH* 114. See also *HsH* 111.

¹⁴⁹ "þeim sumum Vermum. er adr hofðu suarit Hakoni kongi trunadareida" (*HsH* 103), cf. *HsH* 101.

*The practical perspective: peasants beyond loyalty**The king's expectations*

An analysis of the kings' actions before the confrontations with the peasants indicates that the peasants' so-called disloyalty was not as unexpected as the ideological perspective suggested. I have previously pointed out that a recurrent theme in *Sverris saga* is what Sverre Bagge calls "the David and Goliath motif", meaning that the opposition to Sverre is often exaggerated to emphasize how clever Sverre was.¹⁵⁰ According to Bagge, the author of the saga occasionally went so far as to camouflage Sverre's strategic ability in order to underline the miraculous character of his victory. In line with this, he claims that Magnus Erlingsson had not come so unexpectedly to Sognefjorden before the battle of Fimreite as the saga would have us believe, but that Sverre, with his outposts in Bergen and his generally good spies, probably learned that Magnus was on the way. Bagge's conclusion is thus that Sverre was prepared to encounter Magnus, and that he was scarcely as outnumbered as the saga says.¹⁵¹

It is not unreasonable to assume that the account of the battle of Oslo in 1200 shows some of the same narrative devices as the battle of Fimreite. For instance, the number of peasants in the army cannot possibly have been as big as the saga states.¹⁵² Moreover, it seems unlikely that Sverre would have been so unprepared for an attack by the peasants as the saga claims. True, it did not happen every day that there was such broad and organized peasant resistance to a king.¹⁵³ On the other hand, Sverre's decision to spend the winter in a hostile area as Viken was an unusually daring move, even if he did have a considerable army with him.

Firstly, a big army was not synonymous with increased security, for, as we saw in the part about the retainers, problems could arise inside an army on a protracted campaign. The *leidangr* force with which he arrived in Viken in 1199 consisted of men from Trøndelag and West Norway, who could only be counted as being loyal if the campaign

¹⁵⁰ Cf. pp. 116–17.

¹⁵¹ Bagge 1996, pp. 43–49.

¹⁵² Cf. Lunden 1976, p. 68. The peasants are said to have raised 60,000 men (*Svs* 163).

¹⁵³ Adolfsen 2000, pp. 60, 62; cf. Sverre's statement about the "headless" army of the Kuflungar (*Svs* 109).

did not last too long. When he announced that he would spend the winter in Viken, it is not unlikely that the men began to grumble, for they had done so during the previous expeditions in Viken in 1196 and 1197.¹⁵⁴ On those occasions Sverre had gone home with the army. This time too, he was forced to comply with the wishes of the army, but he himself remained. This shows that his dismissal of the *leidangsmenn* from Trøndelag in the late autumn of 1199 was not based on any great trust in the men of Viken, who took the place of those who went home, but on sheer necessity.¹⁵⁵

Secondly, it was risky to winter in hostile areas, even with a considerable army, for the army was a two-edged sword. The army provided military strength, but the demands to maintain this army, in the form of higher dues paid by the people of Viken, generated such discontent that they joined forces against the Birkibeinar.¹⁵⁶ The risk of wintering in Viken is clear when Håkon Håkonsson did the same in 1226–27.¹⁵⁷ Although the peasants themselves this time wanted the king to stay there, the saga says that the king's counsellors "all declared that he should not stay in Oslo and trust the peasants to be loyal".¹⁵⁸ Wiser from experience, they could refer to the peasant resistance to Sverre as a deterrent example of what could happen if one relied on the peasants. When they persisted in their scepticism about the peasants even after they had offered hostages, it tells us something about how daring Sverre's wintering in 1199–1200 had been.¹⁵⁹

The thrust by the Baglar into Trøndelag, the area that supported the Birkibeinar, at the same time when Sverre was in Viken, can also shed light on the risk of Sverre's wintering. Their behaviour towards the peasants is described differently: whereas Sverre is said to have imposed taxes on Viken, what the Baglar exacted from the Trønds in the spring of 1199 is described as plunder.¹⁶⁰ This, however, must be regarded as an ideological difference in *Sverris saga*, for in the practical perspective there are striking similarities between what the Birkibeinar and the

¹⁵⁴ *Svs* 132, 139.

¹⁵⁵ *Svs* 162, cf. the chapter on the retainers, pp. 130–31.

¹⁵⁶ *Svs* 162.

¹⁵⁷ *HsH* 148.

¹⁵⁸ "lottu allir, at hann sæti j Oslo vndir trunadi bænda" (*HsH* 148).

¹⁵⁹ Cf. note 176 p. 292.

¹⁶⁰ *Svs* 155. A distinction was nevertheless made between harrying in Trøndelag (155) and collecting *leidangr* in West Norway (154).

Baglar demanded of the peasants in Viken and Trøndelag respectively.¹⁶¹ Like the Birkibeinar, the Baglar had plans to spend the winter in enemy territory, since they “settled down in the town” of Nidaros with 660 men.¹⁶² Here too, however, it turned out that their stay was not a very peaceful one. They scarcely managed to fortify themselves against a surprise attack from the peasants led by Sverre’s *sýslumenn*, and when the peasants a few days later mounted a fresh attack, they broke up the ice and left, as Sverre had done after the battle of Oslo.¹⁶³

Thirdly, it was not only the peasants who could make life insecure for Sverre in Viken, but also the Baglar. Their main force had admittedly left Viken after having brought Earl Filippus down on a brief visit at Christmas 1199–1200.¹⁶⁴ We may assume, however, that many Baglar remained when the rest of the army moved north, for both before and after the departure of the army we are told that Viken was swarming with Baglar.¹⁶⁵ Among eight named leaders of the battle with the peasants in 1200, three were Baglar, whereas there has been disagreement about whether the other five were Baglar or peasant leaders.¹⁶⁶ More essential is that we must reckon that the strong position of the Baglar in Viken was not just due to the fact that the faction often sojourned there, but that they also had widespread support from local magnates.¹⁶⁷ This is implied by Sverre’s statement before the Baglar rising in 1196 that “There are some people here at home that I do not trust if a war band is raised”.¹⁶⁸ In addition, no sharp dividing line can be drawn between Baglar and peasants in this case, for Sverre’s harsh treatment

¹⁶¹ At this time the Baglar probably had control over the major part of the country except Trøndelag, and they no doubt considered their demands and their sanctions to be as legitimate as those applied by Sverre in Viken and by Magnus in Orkdal (Helle 1974, p. 92; cf. Nikolas’s speech in *Svs* 155).

¹⁶² “settuz i bœin” (*Svs* 161).

¹⁶³ *Svs* 161, 165.

¹⁶⁴ *Svs* 160.

¹⁶⁵ *Svs* 142, 166–71.

¹⁶⁶ *Svs* 162, cf. Adolfsen 2000, pp. 52–53.

¹⁶⁷ Arstad argues that the Baglar army was professionalized between 1199 and 1200 (Arstad 1994, pp. 70–73), while Adolfsen describes the revolt against Sverre as “a combination of genuine peasant resistance from a magnate-controlled Baglar party” (Adolfsen 2000, p. 53). The issue of how many non-resident magnates the king had, and to what extent they can be distinguished from local magnates not connected to the king, is a major question which will remain unanswered here.

¹⁶⁸ *Svs* 129, cf. note 200 p. 196. As mentioned, the statement may be a part of the saga’s tendency to let Sverre predict his opponents’ plans. The suspicion seems to be equally justified in real historical terms.

of the peasants meant that they had every interest in standing together with the Baglar.

Here too the Baglar thrust against Trøndelag in 1199 can shed light on the relationship between faction members and peasants. There was a distinction, for after the main Birkibeinar force had moved south the saga says that the Baglar captured a man in Trøndelag: "he would not say who he was, he said he was a *leiðangrsmadr* and not a Birkibeinn."¹⁶⁹ Yet the distinction was not always equally marked in practice. When the Baglar took Nidaros "Sverre's *sýslumenn* and the peasants agreed to go against them and fight".¹⁷⁰ The army was led by Sverre's two *sýslumenn*, at the head of 1,500 Orkdalers and Gauldalers. The number is no doubt exaggerated, but the army was still strong enough to chase the Baglar away. This suggests that the Birkibeinar must have had considerable support in the area, where non-resident hirdmen, local magnates, and peasants were all united in a common cause.

The saga author achieved a double effect by exaggerating the numbers of the opponents and Sverre's unpreparedness for the peasant army against him in 1200. Firstly, it solved the problem that defeating peasants in battle was not perceived as being a particularly heroic achievement for an established king. If the peasant army had been smaller or if Sverre had had an opportunity to get away, it would have diminished the glory of the victory, which is portrayed by the saga as something of a miracle.¹⁷¹ Secondly, it emphasized the unexpected nature of the peasant gathering as a breach of the norm of loyalty to the king. Both these points are dubious. On the first point, the peasant army cannot possibly have been as numerous as the saga states. Moreover, it is uncertain whether Sverre defeated the peasants at all, since the first thing he did after the battle was to break up the ice and sail to Bergen.¹⁷² On the second point, while the size and degree of organization of the peasant army may have surprised Sverre, he was scarcely unprepared for the risk he ran by wintering in Viken.

¹⁶⁹ "hann dulpiz fyrir þeim kvaz vera leiðangrs-madr ein en ecki Birkibeinn" (*Svs* 157).

¹⁷⁰ "þo gerðu sýslu-men Sverris konungs oc bendr þat rað at fara at þeim með liði oc beriaz" (*Svs* 161).

¹⁷¹ Sverre summed it up thus: "Nor do I believe it has happened that men have fought against such a multitude when they have been outnumbered as we were" (*Svs* 165).

¹⁷² *Svs* 165.

The kings were likewise probably not so unprepared for resistance, as is evident from their stated expectations on other occasions, as when Sverre marched against Sogn in 1184 and Håkon against Vermland in 1225.¹⁷³ Håkon had hardly left Oslo in 1225 before there was news of strife.¹⁷⁴ It is telling that, whereas he denied in words that the peasants would oppose him (“conflict was not likely”), his actions immediately afterwards suggest the opposite (“But he nevertheless sent people riding in all directions”).¹⁷⁵ The insecurity of the situation around Oslo for Håkon is evident from the fact that no king of Sverre’s dynasty spent the winter there between 1200–1 and 1226–27, and in the latter case it happened only after the peasants had given hostages.¹⁷⁶ Moreover, the strength of the two kings’ armies in itself is clear testimony to what they expected of the peasants. Sverre is said to have had 20 ships in Sogn, and Håkon 3,600 men in Vermland.¹⁷⁷

The considerable forces that the kings brought with them to the periphery were not just anxious to establish peace, as we saw in the part about the retainers, but also to acquire booty, and the kings had their hands full trying to curb their ravages.¹⁷⁸ There is little reason to believe that they succeeded as well in this as the sagas imply. This draws attention towards what the peasants expected of the king in these situations.

The peasants’ expectations

In the ideological perspective the peasants’ opposition to the king seemed unexpected, because it was interpreted as a rejection of the kings’ demands for regular and irregular tribute. It was the legitimate basis of the taxation which justified calling their opposition disloyalty. We have seen above that the peasants’ resistance was scarcely as unexpected as the kings indicated in their words. In the following we shall study this from the point of view of the peasants.

¹⁷³ *Svs* 81–82, *HsH* 111, 112, 114.

¹⁷⁴ *HsH* 110.

¹⁷⁵ *HsH* 110.

¹⁷⁶ *HsH* 148. Håkon was probably the first Birkibeinn king to winter in Oslo after King Sverre. In the meantime the peasants in Opplandene had killed a king of the Baglar (*Bs* 3). Håkon Sverresson was in Borg in 1203, but there was peace then (*HsH* 1). Håkon, however, resided in Tunsberg in 1218–19 (*HsH* 54), 1223–24 (*HsH* 99), and 1224–25 (*HsH* 108). Skule Bårdsson, as earl, had the main responsibility for the area in the period 1218–23.

¹⁷⁷ *Svs* 82, *HsH* 111.

¹⁷⁸ Cf. pp. 140–51.

It is doubtful whether the peasants perceived the kings' demands for taxes as legitimate. First of all, the amounts they were asked to pay were considerable, often much larger than what they were accustomed to. The *leiðangr* tax that Sverre demanded from the peasants in Viken in 1200 was probably twice the normal rate.¹⁷⁹ The demand must have appeared particularly unfair since the Baglar had not left Viken on Sverre's arrival, and they too collected taxes there.¹⁸⁰ Magnus Erlingsson did not impose any more than ordinary *leiðangr* tax on the Orkdalens in 1182, but the demand for three years' taxes must have been hard for the peasants to accept, because they are reported to have paid the sum to Sverre in the intervening years.¹⁸¹ The peasants of Sogn in 1184 preferred to take their movable property with them to the mountains and watch their farms being burned, rather than pay the prescribed fines to the king.¹⁸² The fines imposed on the peasants by King Håkon in connection with the Vermland expedition, not surprisingly, are only described vaguely, but the army's eagerness to plunder, combined with the peasants' reluctance to meet the king, suggests that the peasants expected the worst.

Secondly, it is uncertain to what extent the peasants in these cases considered the kings legitimate. A shared feature of the episodes is that the peasants had rarely had contact with the kings in question, let alone being on good terms with them. Sverre had not spent much time in Viken before he decided to winter there in 1199. Since 1181–82 he had only spent one winter in Viken, after his victory over the Eyjarskeggjar in 1194. Of the winter stay in 1194–95 we are only told that he probably captured the bishop of Oslo, Nikolas Arnesson.¹⁸³ In the winter of 1181–82 the Birkibeinar had greater problems asserting themselves, and they primarily lived by robbing the peasants, as they had done in the first two years of Sverre's reign.¹⁸⁴ The periods when Sverre could

¹⁷⁹ Lunden 1976, pp. 67–68.

¹⁸⁰ *Svs* 170.

¹⁸¹ *Svs* 69.

¹⁸² *Svs* 81–82. The value of 15 marks of gold was equivalent to about 360 cows (Lunden 1976, p. 177).

¹⁸³ *Svs* 123. Eirik kongssønn had been appointed earl over the area after the defeat of the Kufflungar in 1188 (*Svs* 113), but this scarcely gave Sverre control over the area, because Eirik may have been in league with opposition forces in Viken, and he was possibly killed on Sverre's initiative (*Svs* 115; Helle 1974, p. 91).

¹⁸⁴ *Svs* 61, 66, 71. He was driven away by a small part of the Heklungar army in 1181–82. The situation was probably not very different from his stay in Viken in the first two years, when he did not have any safe haven anywhere in the country,

take control over Viken were thus brief interludes occasioned by the temporary defeat or expulsion of his opponents, and his mastery over Viken at these times was greatly exaggerated. In 1181 the saga says that “all the people submitted willingly under him [Sverre] where he went”.¹⁸⁵ This is in stark contrast to Sverre’s statement about Viken when Magnus’s army arrived there not long afterwards from Denmark: “the people of this land are worse to run into than the worst heathens.”¹⁸⁶ The attitude of the Viken peasants had evidently not changed much when the Baglar came from Denmark fifteen years later, for the Birkibeinar then were also forced to retreat as a consequence of the peasants’ opposition.¹⁸⁷ The following year Sverre once again withdrew from Viken when winter approached.¹⁸⁸

When Sverre came with a considerable army to Viken to spend the winter in 1199, it was consequently an unaccustomed sight for the peasants, and scarcely one they appreciated. Not only had Sverre’s visits to the area been rare, but on the few occasions he had been there he had treated them as enemies. Sverre had thus failed in all the duties a king had to fulfil if the people of Viken were to acknowledge him as king.

The situation was the same in Sogn; Sverre had not been a frequent guest before the peasants there resisted his *sýslumenn* in 1183. In 1177 they had assembled against the Birkibeinar and driven them out.¹⁸⁹ After the victory at Kalvskinnet in 1179, Sverre appointed *sýslumenn* in West Norway, but they were expelled in the following spring.¹⁹⁰ Sverre regained control over West Norway when Magnus Erlingsson left the country in 1180, but after the battle of Nordnes the following year, the Birkibeinar were forced to withdraw to Nidaros.¹⁹¹ The reason for the appointment of *sýslumenn* in 1183 was that the Birkibeinar had succeeded in taking the Heklungar by surprise and chasing them

not even there (*Svs* 16–17 and 21–22 about Opplandene in 1177, *Svs* 24–25 about Båhuslen in 1178, *Svs* 30–31 about Opplandene and Båhuslen in 1178, *Svs* 51 about Viken in 1181).

¹⁸⁵ “geck allt folk glaðliga undir hann hvar sem hann fór” (*Svs* 51). After his victory at Fimreite in 1184 Sverre went to Viken, where he likewise “subjugated the whole country” (*Svs* 100).

¹⁸⁶ *Svs* 51, cf. note 103 p. 276.

¹⁸⁷ *Svs* 132.

¹⁸⁸ *Svs* 142.

¹⁸⁹ *Svs* 19.

¹⁹⁰ *Svs* 43–44.

¹⁹¹ *Svs* 49–50, 58. Magnus then had control over the coast all the way to Trondheim fjord (*Svs* 61).

from West Norway.¹⁹² In the ideological perspective, the killing of the *sýslumenn* by the peasants was their reaction to attempts at taxation by these representatives of the king. The peasants themselves, however, had a completely different interpretation of this, reported by the saga: "The men of Sogn said that they had killed thieves and wicked men, and called them criminals."¹⁹³ The peasants clearly expressed here that they did not consider the *sýslumenn* to be legitimate representatives, and consequently their demands for tax were not legitimate. The *sýslumenn* had robbed them, and they could therefore kill them with impunity.

The Sogn peasants' view of the Birkibeinar was fully in accord with that of the vassal Asbjørn Jonsson, one of the Heklungar, in his description of Sverre's action against Sogn: he had "wasted a Christian land with fire."¹⁹⁴ This was not the only time the Birkibeinar were described as robbers by their enemies.¹⁹⁵ Occasionally one may suspect that such statements are rhetorical points deliberately exploited by the author of the saga to emphasize how much opposition Sverre encountered on his way.¹⁹⁶ It is nevertheless probable that this description covered what many peasants thought about Sverre and the Birkibeinar, for there are frequent statements that they robbed and harried in the initial phase.¹⁹⁷ The fact that they gradually managed to gain firmer control over Trøndelag did not mean that their behaviour elsewhere in the country necessarily changed character, nor does it mean that peasants from such areas became more amicably disposed towards Sverre than they were at first. It was rather the choice of words that changed; instead of robbing they collected taxes and fines. But what the saga calls tax and fines was probably perceived by the peasants as confiscation or outright plunder, reflecting that they were treated by the faction as defeated enemies.

The methods of the Birkibeinar in Sogn in 1184 have a parallel in the behaviour of the Heklungar in Trøndelag two years before. Here

¹⁹² *Svs* 76–77, 79.

¹⁹³ "Sygnir colluðuz hafa drepit þiofa oc illmenni oc tolpu þa obota-menn" (*Svs* 79).

¹⁹⁴ "eytt með elldi cristit land" (*Svs* 90).

¹⁹⁵ *Svs* 53 (Magnus Erlingsson), 117 (Archbishop Øystein), 131 (Bishop Nikolas). See also similar biased statements about the Baglar from Torstein Kugad (153) and Sverre (154).

¹⁹⁶ This is clear in the descriptions of the Birkibeinar in *Svs* 27, 40, 96, 99.

¹⁹⁷ *Svs* 16, 81. The Birkibeinar were then regarded, in Kåre Lunden's words, as pests in the same category as wolves and bears (Lunden 1976, pp. 60–62). Cf. *Svs* 110, 114, 116 about other rebel armies behaving similarly in opening phases.

too the peasants were visited by kings they did not normally support, and whom they rarely saw. Magnus specified to the Orkdalers that it was three years since their previous meeting.¹⁹⁸ The relationship had not been cordial that time either; before the battle of Kalvskinnet in 1179 we are told that the peasants “feared punishment by Earl Erling”.¹⁹⁹ Unlike Sverre, Magnus did not demand fines but only *leiðangr* tax for the intervening years, and the peasants seem to have accepted this, for before the parties separated “it was resolved that the king should have the *leiðangr*”.²⁰⁰

It is nevertheless doubtful whether the peasants recognized Magnus’s demands as explicitly as the saga suggests. Firstly, they probably found the demand unreasonable, since it meant in reality double taxation. The peasants had paid tax to the Birkibeinar throughout this period, as Magnus himself observed, which he evidently interpreted as an exacerbating rather than a mitigating circumstance.²⁰¹ Secondly, the legitimacy of the demand was not undisputed, as the tax accepted at the assembly—paradoxically—testifies. When it was necessary to have the *leiðangr* tax approved at the assembly although it was established by law, this suggests that it was not so firmly established that it was regarded as legitimate irrespective of whatever situation it was demanded in, or who required it.²⁰² The course of the confrontations clearly shows that it was not through legal means that Magnus won against the Orkdalers, but by using threats.

I mentioned above that the methods of the Birkibeinar against the people of Viken in 1196–1202 are paralleled by the actions of the Baglar in Trøndelag in the same period. The greater ideologization in *Sverris saga*, in the form of increased discrediting of Sverre’s opponents, paradoxically means that the peasants’ opinions emerge more clearly in the description of the opposing war bands. As long as Sverre’s counter-kings were described as legitimate, as Magnus Erlingsson was, the saga applied a purely royal legal perspective to their confrontations with the peasants. However, the portrayal of the later counter-kings as illegitimate allowed their methods to be described with no beating about

¹⁹⁸ *Svs* 69.

¹⁹⁹ “hrædduz ræfisingar Erlings jarls” (*Svs* 37). Cf. *Svs* 36 on the unreliability of the Tronds.

²⁰⁰ “var þa dömðr konungi leiðangr” (*Svs* 69).

²⁰¹ *Svs* 69.

²⁰² Lunden 1976, p. 298. Cf. problems with compulsory subordination in the part about ideal subordination, pp. 79–85, 101–5.

the bush, and thus the peasants' perception of the opposing faction could be cited more directly. The demands that the Baglar made of the Trønds in 1199, unlike Magnus's demands in 1182, were described as plunder.²⁰³ This is in all likelihood a much better reflection of what the peasants thought about the behaviour of the war bands than their alleged recognition of Sverre's and Magnus's right to punish refusal to pay fines or taxes with burning.

Vermland, which was visited by King Håkon in 1225, was under the Swedish king. According to *Sverris saga*, people there did not believe that a king's man was an animal and not a human, as their neighbours further north in Jarnberaland allegedly held.²⁰⁴ They were nevertheless not blessed by frequent royal visits before Håkon set course for Vermland. The area had been King Sverre's base during the first two years he was in Norway. His sister was married to the law speaker of the province, and his later queen, Margrete, had large properties there.²⁰⁵ The affiliation to opponents of the kings, however, weighed heavier than the ties to Sverre's dynasty, for in King Håkon's time the area was a refuge for the Ribbungar. Before the campaign against Vermland the saga says that Bishop Nikolas sent a priest there to announce that the king planned to come with the army "to burn both women and children, but the priests would be put on ladders and flogged".²⁰⁶ If this description did not give a correct image of the subsequent behaviour of the Birkibeinar, it was nevertheless not difficult to get the Vermlanders to believe in it, for the warning made them all run away when the Birkibeinar army arrived shortly afterwards. And the result was by and large what Nikolas had predicted. The farms of Vermland were burned, even though the saga called the king's methods ever so legitimate.

The analysis of the actors' expectations shows that what was described as disloyalty to the king on the part of peasants can rarely have come as such a surprise to the king as his statements imply. The kings' actions demonstrate that they expected disloyalty or resistance from the peasants in these cases, and their large armed forces are concrete evidence of this. This has its natural counterpart in the fact that the peasants

²⁰³ Cf. p. 209 on Magnus's demands.

²⁰⁴ *Svs* 12.

²⁰⁵ *Svs* 7, *Bs* 11 (on his sister Cecilia); *Bs* 10, 39 (on Queen Margrete).

²⁰⁶ "brenna bæði konur ok born, en presta skyllde leggja aa stiga ok hyða" (*HsH* 109).

did not automatically accept the king's legitimacy. The strict demands for loyalty that the king made of the peasants did not mean that they had a close relationship; on the contrary, the king regarded them as enemies. One could not demand so much from friends. The analysis of the prior history corroborates this point, for the areas visited by the kings had only seen rare and hostile visits before this. The peasants therefore had good grounds for expecting that the kings would continue to treat them as enemies.

An important reason why the kings made such stern demands of the peasants in the periphery was that they had little potential—or desire—to gain their support. Correspondingly, the peasants' resistance was a consequence of their having previously had more effective protection from rival war bands, led by men whom they considered to be more legitimate rulers. This led to “inertia” in the system. More was needed to gain new supporters than to retain old ones. When the peasants in eastern Viken relied on the Baglar in 1200, even after they had suffered several defeats against Sverre, it was because the Baglar had previously shown themselves to be their best protectors. The Heklungar had probably more goodwill in Sogn in 1183–84 than the Birkibeinar had, for they had given the inhabitants more effective protection over a longer time than the Birkibeinar had done. The Birkibeinar had the upper hand for the same reason in Trøndelag in 1182.

The inertia due to former bonds of loyalty was nevertheless not so great that changes could not happen quickly. The peasants were not prepared to accept everything their traditional protectors demanded. Kåre Lunden points out that “even if ordinary people hated Sverre, they scarcely thought any better of his rivals for the throne”.²⁰⁷ It is not improbable that the men of Sogn would have given the Heklungar the same rough treatment they gave the Birkibeinar *sýslumenn* in 1183 if the Heklungar had made such exorbitant demands of them. Even the war bands that normally protected the peasants required something in return for it, and although these payments were usually lower than what other factions demanded, it is not very likely that the peasants paid with pleasure. The Orkdalers who were visited by Magnus Erlingsson in 1182 “had not given the Birkibeinar *leiðangr* and other taxes with

²⁰⁷ Lunden 1976, p. 73.

an easy heart, well knowing that Magnus could visit them in the way he did", to cite the historian Erik Adolfsen.²⁰⁸

The analysis of the prior history has shown that the kings' ability to protect peasants in a district, often by having a good relationship to their local magnates, was of great significance for the kind of relation that was established between them. The kings acted on the basis of a kind of "inverted logic" in the confrontations with peasants from peripheral areas. The less subordination they had previously been shown by the peasants, the stricter were their demands for submission in a particular situation. The situation was supposed to compensate for all the other situations where they had *not* submitted to them. And the stricter their demands for subordination in the situation, the less potential they would have to gain the peasants' future subordination.

Yet this does not mean that we can make a sharp distinction between the kings' hostility to peasants from peripheral areas and their friendly relations to peasants in central areas. The kings also made demands of peasants in their heartland, and these were hardly very popular. Correspondingly, their behaviour in peripheral areas was not always implacable; they could also show indulgence. This unpredictability in the king's actions was crucial for his exercise of power; and this aspect is concealed as soon as one chooses to draw a sharp dividing line between centre and periphery. This will be central in the following analysis of what happened after the conflicts, where the question is to what extent the kings managed to enforce the rigorous demands they made of the peasants in the confrontations. If they had hitherto failed them in their protective role, this did not mean that they had spoiled their future chances of adopting this role.

3. *The Aftermath of the Confrontations: Did the King Assert his Demands for Loyalty?*

Above I investigated the extent to which the king's demands for loyalty in his confrontations with the peasants could be considered representative of his general demands on them. I did so by extending the chronological perspective backwards in time to what happened before the clashes. In the following I shall extend the perspective forwards in time, to analyse

²⁰⁸ Adolfsen 2000, p. 51.

the king's demands for loyalty in connection with subsequent events. Did the peasants learn a lesson through their confrontations with the king, making them more willing to yield to the king's demands, as Kåre Lunden claims in connection with Sverre's actions?²⁰⁹ Or did they continue to relate to the king in roughly the same way as before the confrontations, so that their submission must be regarded as untypical in this relationship?

The ideological perspective: the kings gain control over districts

In the ideological perspective the kings' punitive expeditions against disloyal peasants in the periphery seem to have been successful on the whole, in that they ended with the kings gaining control over the districts. This is clear in connection with Sverre's repeated campaigns against Viken in the years 1196–1202. In 1196 he was forced to retreat by the Baglar.²¹⁰ The following year he defeated them and collected fines in Viken, but he then had to move north to prevent the Baglar from gaining a foothold in Trøndelag.²¹¹ After the victory at Strindfjorden in 1199 he marched to Viken and fined the peasants there, and in the wake of the battle against the peasants in 1200 he travelled around eastern Viken, collecting fines or burning farms where the peasants refused to pay.²¹² He continued with this the following year, when the saga tells us that the people of Skaun were the last in eastern Viken to submit to him.²¹³ Sverre's next step was to eliminate the threat from the Baglar, and the last part of the saga is devoted to the siege of the Baglar in Tunsberg and their subsequent surrender.²¹⁴ *Sverris saga* could thus conclude that Sverre on his deathbed had gained control over the stubborn Viken region after having defeated both the peasants and the Baglar.

Sverre's campaign in Sogn in 1184 also seems to have been a success for the king's power. After the battle of Fimreite the men of Sogn came to Sverre, and the saga observes: "They did not say anything against what he wanted."²¹⁵ Later Sverre could feel safe there even when he

²⁰⁹ Lunden 1976, pp. 137–38.

²¹⁰ *Svs* 132.

²¹¹ *Svs* 134–39, 142.

²¹² *Svs* 160–62, 167–70.

²¹³ *Svs* 171.

²¹⁴ *Svs* 171–79.

²¹⁵ "mæltu þa engu imot því er hann villdi at væri" (*Svs* 95).

was weak, and in 1201 the Baglar, according to the saga, were driven away from there.²¹⁶

The same applied to King Håkon's expedition against Vermland. When Magnus Bladstakk tried to continue the struggle of the Ribbungar after Knut Håkonsson had arrived at a settlement with the Birkibeinar in 1227, Håkon sent letters to Vermland, threatening them with a new campaign if they did not kill Magnus.²¹⁷ The Vermlanders did as the king said, and it is easy to agree with Kåre Lunden that "Håkon's expedition [in 1225] achieved its goal".²¹⁸ Likewise, after his expedition to Orkdal in 1182 Magnus Erlingsson was able to demand *leiðangr* tax from the whole of Trøndelag as a consequence of his superiority at sea.²¹⁹

The practical perspective: the kings do not gain control over districts

The question is whether the kings gained such complete acceptance for their demands of the peasants as the above implies. An analysis of how the parties acted suggests that this was scarcely the case.

Sverre did not acquire such undisputed control over Viken in the period 1196–1202 as his saga implies. First of all, Sverre's subjugation of the peasants in connection with the punitive expeditions does not mean that the Baglar were out of the picture, because every time Sverre left Viken, they appeared again. This was not contrary to the will of the peasants, for the saga tells that when the Birkibeinar left Viken after the battle in 1200 "the peasants received them [the Baglar] well and made common cause with them".²²⁰

Secondly, Sverre had problems not only when he left Viken, but also when he stayed there. After the victory in the battle of Oslo he did not feel any more secure than that he immediately made course for Bergen in an escape-like manoeuvre.²²¹ Even when the last groups of recalcitrant peasants had been punished and the Baglar were surrounded in

²¹⁶ *SzS* 152, 177–78.

²¹⁷ *HsH* 156.

²¹⁸ Lunden 1976, p. 178.

²¹⁹ *SzS* 71–72.

²²⁰ "Tocu bøndr vel vid þeim oc bundu saman sin vandræði" (*SzS* 166). The saga also says that the Baglar "collected taxes and other dues there" (*SzS* 170). The formal term *scattr* is used here, not the informal *gald*. This may suggest that the author of the saga believed that the Baglar were still legitimate rulers in the area.

²²¹ *SzS* 165.

Tunsberg in the winter of 1201–2, his grasp on the peasants was still uncertain. We are told that the collection of the *leiðangr* dues from the peasants in the district went well as long as there was no ice and the Birkibeinar could use boats, but when the winter came and the sea froze, “the peasants then became harder to deal with”.²²²

While *Sverris saga* presents the surrender of Tunsberg by the Baglar in 1202 as a decisive defeat, *Böglunga sögur* paints a different picture of this, as it relates how the Baglar had control of both West Norway and Opplandene in the same year.²²³ Sverre’s punitive expedition in Viken also proved a failure in the long run, as he did not manage to achieve the stable loyalty of its people. Sverre, as we have seen, was probably the last king of the Birkibeinar faction to spend the winter there for over a quarter of a century.²²⁴ Viken remained a core area for opponents of the Birkibeinar right up to 1227, and support for the Birkibeinar in the area alternated between being uncertain and being non-existent.²²⁵

Sverre’s grip on Sogn was likewise not secured through the peasants’ submission in 1184. Both the Kuflungar and the Eyjarskeggjar later encountered little resistance in West Norway, and the latter probably appointed *sýslumenn* in the area.²²⁶ The Baglar seem to have controlled West Norway in the period between the battles of Torsberg in 1198 and Strindfjorden the year after,²²⁷ and while *Sverris saga* says that they were expelled from Sogn in 1201, *Böglunga sögur* reports that in the following year they controlled the whole of the north-west.²²⁸ According to *Sverris saga* it was not the men of Sogn who expelled the Baglar in 1201, but the Birkibeinar. The peasants seem to have adopted a wait-and-see attitude, not openly opposing either side.²²⁹

While Sverre received limited backing for his demands for loyalty in the long term, King Håkon’s expedition to Vermland in 1225 seems at first sight to have been more successful, since the Vermlanders two years later killed the last king of the Ribbungar to avert the king’s threats of

²²² “bøndr gerðuz þa oc harðari i horn at taka” (*Ses* 176). Cf. *Ses* 172.

²²³ *Bs* 1–2, cf. Helle 1974, p. 93; Lunden 1976, p. 139.

²²⁴ *HsH* 148. Cf. note 176 p. 292.

²²⁵ Viken was the core area of the dubious allies of the Birkibeinar in the area during the periods 1202–4, 1208–17, 1219–21, and of their opponents in 1204–8 (the Baglar), 1218–19 (the Slittingar), and 1219–27 (the Ribbungar).

²²⁶ *Ses* 105–6, 120.

²²⁷ Lunden 1976, pp. 45–46.

²²⁸ *Bs* 1.

²²⁹ *Ses* 178.

a new expedition. It is nevertheless doubtful whether the expedition was so effective in bringing the eastern border regions under the control of the Norwegian king. Firstly, it looks as if the Ribbungar were strengthened rather than weakened after the expedition.²³⁰ Secondly, the expedition did not put an end to Vermland's position as a scene of resistance. It is likely that the Vermlanders were partly responsible for the success of the Ribbungar after 1225. When Knut Håkonsson took over as leader of the Ribbungar in 1226, we are told several times that the Vermlanders willingly followed him, even when things were going badly.²³¹ As late as the rising of the Várbelgir under Skule Bårdsson in 1239–40, Vermland and the border zones were a reservoir of opposition to King Håkon.²³² There was probably little the king could do against the Vermlanders' attitude. As long as hostile factions existed, Vermland was a potential threat to the king's power.

The kings' lack of success in ensuring the peasants' lasting subordination after confrontations with them is most obvious in connection with Sverre's and Håkon's opponents. The Trønds who were fined by Magnus Erlingsson in 1182 were rescued by the Birkibeinar before the deadline for payment came. After that, Magnus was a rare guest in Trøndelag. Similar episodes are mentioned in connection with several other opponents of King Sverre. The Kuflungar demanded a heavy tribute from the inhabitants of Nidaros in 1188 and threatened to burn the town if they would not pay, but rumours that the Birkibeinar were on the way led the Kuflungar to abandon the town without having accomplished their mission.²³³ The Kuflungar behaved similarly in Bergen, where the Birkibeinar actually did come and defeated them.²³⁴ The Baglar burned Bergen in the autumn of 1198, and in the following spring they tried to burn Nidaros, but a peasant army forced them to retreat.²³⁵

²³⁰ The Ribbungar captured Tunsberg while the Birkibeinar army was in Vermland (*HsH* 118–19), and subsequently had such a strong position in Opplandene that the king had to abandon his campaign there and head for Bergen to gather reinforcements (120–24). When he returned, the Ribbungar controlled all the territory south as far as Agder (130). Cf. Arstad 1994, p. 144.

²³¹ *HsH* 145, 148.

²³² *HsH* 238.

²³³ *Svs* 108.

²³⁴ *Svs* 109.

²³⁵ *Svs* 150, 155, 157, 161.

In the ideological perspective, Sverre's and Håkon's campaigns against peasants in the periphery seemed successful, in the sense that they managed to gain a hearing for their strict demands of loyalty in the short term. An analysis of the actors' behaviour, however, shows that this conclusion must be qualified, for both Viken and Vermland remained bases for potential opponents of the king even after the punitive expeditions. In the longer term, the kings' attempts to assert their demands of the peasants in the periphery enjoyed limited success. In the following conclusion I shall look more closely at the differences between centre and periphery.

The blurred dividing line between centre and periphery

A shared feature of the confrontations between king and peasants in the contemporary kings' sagas is that they took place in the periphery of the king's realm. In Sverre's time the periphery can usually be located inside what was called "Norway", whereas in Håkon Håkonsson's reign it more often consisted of "foreign" areas. A sharp dividing line between home and abroad is of little relevance in this study, because it does not capture the variation in the areas the king had control over.²³⁶ Instead I have chosen to use the terms centre and periphery, but even this distinction can easily become too rigid. The most important difference between centre and periphery in this context is that the king used force to acquire resources in the periphery which he could then use to reward his supporters in the centre. It is misleading, however, to assume that any such distinction was carried through fully. In the following I consider two aspects of this division which illustrate how ambiguous the distinction was in practice.

First of all, centre and periphery were not firmly defined areas. They derived their function from the way the king acted towards the peasants. Earlier in this chapter I have shown that royal punishment or plunder was most common in peripheral areas, whereas the king more frequently granted mercy or settlements in his central territory. If it was more probable that the king would be tough in the periphery, this was still not an absolute rule. We have seen above that the peasants in some places heeded the king's summons while in other places

²³⁶ This does not mean that I think that national borders were without significance in this period, but that they were less important from the practical perspective.

they did not, and that the king usually, but not always, imposed harsh terms on them. Even if the king normally acted more implacably in peripheral areas than at the centre, it was not until he had played his cards that it could be determined whether an area was perceived as peripheral or not.

The sagas have much less to say about the relationship between king and peasants in the centre than in the periphery, and what they do say emphasizes the voluntary character of the relationship. Sverre made a statement about the men of Trøndelag after the battle of Kalvskinnet in 1179: "He expected great help and loyalty from the Trønds, because they had never been faithful to Earl Erling and his rule."²³⁷ Sverre believed that this loyalty went all the way back to the reign of his father Sigurd.²³⁸ There is good reason to be dubious of this statement, however. In the preceding passage *Sverris saga* says that it was only at this time, after Sverre had defeated Erling Skakke at Kalvskinnet, that a number of Trønds of good lineage joined him.²³⁹ Before that the Trønds had not been any more positively disposed towards the Birkibeinar than people in other parts of the country had been. In their first attack on Nidaros in 1177 the Birkibeinar defeated an alliance consisting of Magnus Erlingsson's vassals, the townsmen, and the peasants.²⁴⁰ When they arrived in Trøndelag the following year, Sverre expected the town to continue to put up resistance, with the significant reason being that "they will not expect much mercy from us Birkibeinar, but rather robbery and plunder".²⁴¹ However, the townspeople's scepticism about the Birkibeinar was not outweighed by their equally intense desire to support the other side. The third time the Birkibeinar came to Nidaros, in 1179, they were not in any better position than they had been in the two previous years, but this time they were able to take the Heklungar by surprise in Nidaros. Erling Skakke said then that "we cannot rely on getting help from the townspeople".²⁴²

²³⁷ "fal hann þa mioc sitt traust oc trunað undir Þrændi. þvi at þeir höfðu alla stund verit utruir Erlingi Jarli oc hans ríki" (*Svs* 43); cf. *ME* 8. It is similarly said about Magnus Erlingsson that the men of Viken followed him loyally (*Svs* 84, 98).

²³⁸ *Svs* 43.

²³⁹ *Svs* 43.

²⁴⁰ *Svs* 15.

²⁴¹ "muno þeir oc litillar vegðar vænta af os Birkibeinum um ran oc fiar-tocur" (*Svs* 27). Before the battle Archbishop Øystein gave a speech in which he urged the townsmen and peasants to fight the Birkibeinar, because they were "thieves and wicked men" who would steal everything they found (*Svs* 28).

²⁴² "boiar-lyðr þesi man os vera otrur til lidsempar" (*Svs* 36).

When the Trønds did support the Heklungar, according to the saga, it was because “they were afraid of punishment by Earl Erling”.²⁴³ The aversion of the Trønds towards the Heklungar may be exaggerated in this case, but it illuminates a point that we have seen earlier, namely, that peasants’ resistance to one faction did not lead them to give their whole-hearted support to the rival faction.

The two critical phases for the Birkibeinar, in 1181–82 and 1199, when they controlled only Trøndelag, may help to show what were the limits for the peasants’ support of their traditional leaders. In 1199 the Baglar were in control at sea, and Sverre then demanded that the Trønds build ships “to help him to save the country from the harrying of the Baglar”.²⁴⁴ After Sverre had stated his demands, the saga says that the peasants’ response was that “they agreed to do that with pleasure”.²⁴⁵ It is doubtful, however, whether the Trønds were as delighted about Sverre’s demands as the saga reports. While they no doubt wanted protection against the Baglar, whom they could expect to be harsher than the Birkibeinar, there were limits to how far they were willing to go to retain the support of the Birkibeinar. This is even clearer from an episode when the Birkibeinar were in a correspondingly tight position in 1182. Sverre then gave a speech in Nidaros which he ended by saying that he would go to Sweden, his reason being: “there is now starvation and famine here, as is to be expected when such a big army has to be fed for two winters in a fjord.”²⁴⁶

The Birkibeinar found themselves in a hopeless dilemma. Either they could stay where they were and risk imposing such a burden on the peasants that their good relationship could be destroyed, or they could leave the area and lay it open to their opponents. In the previous year they had left Trøndelag, and the Heklungar took advantage of this to come and exact huge dues from the Trønds. That time Sverre had barely managed to come to the rescue of the Trønds in time to save them having to pay Magnus.²⁴⁷ It is uncertain whether the Trønds would have remained on the side of the Birkibeinar if the latter had not rescued them. Even if Magnus had not behaved very reasonably

²⁴³ “hrædduz refsingar Erlings Jarls” (*Svs* 37).

²⁴⁴ “gera honum til fulltings at frelsa landit af hernaði Bagla” (*Svs* 154).

²⁴⁵ “Reðu þat af at ganga undir með bliðu” (*Svs* 154).

²⁴⁶ “her er nu sulltr oc seyra sem van er at. þar sem sva mikill her hefir fæz i einum firði .ii. vetri” (*Svs* 73).

²⁴⁷ *Svs* 69–71.

towards them, there are good grounds for assuming that he would have assured the support of the Trønds if he had stayed there longer and moderated his demands. The Birkibeinar indeed said, after they had been forced to flee from the Heklungar, that “no one wanted to have anything to do with us”.²⁴⁸

Sverre’s return to Trøndelag in 1182 meant that the acute crisis was averted, but it did not resolve the underlying dilemma in which the Birkibeinar found themselves. He nevertheless chose the opposite strategy from the one used the year before. Instead of leaving the area he started building ships.²⁴⁹ Here there is no mention of the peasants’ pleasure in helping him, as there was in 1199, and probably with good reason. The continued presence of the Birkibeinar, combined with their additional demands, was a severe test of the loyalty of the Trønds. The main reason for their compliance was surely that the alternative was even worse. If they did not help Sverre this time too, the Birkibeinar would abandon the area and leave it open for the Heklungar, possibly after having helped themselves to what they needed, for the Birkibeinar would thus have lost their last area of support and consequently would have little to lose by plundering the peasants there.

This brief examination of the relationship between king and peasants in the king’s central areas leads to the same type of ambiguity that we found in the periphery. The king was initially more cautious about imposing tough demands on peasants in the centre, and the peasants here normally had a greater interest in giving the king what he wanted. But situations could come to head when the king was forced to make harsher demands than usual, or he might leave the area and thus heavily reduce the peasants’ interest in supporting him. The centre could thus risk becoming the periphery.

Until now the ambiguity in the distinction between centre and periphery has been associated with the uncertainty as to whether the king would act gently (centre) or harshly (periphery). Yet the ambiguity does not stop there. Hitherto I have treated royal punishment or plunder as a way to reduce the resource base of the opposition and acquire booty for the king himself, which is connected to his problems in asserting himself as the strongest power factor in such areas. Thus far the

²⁴⁸ “os munu engir menn við faz” (*Svs* 68).

²⁴⁹ *Svs* 73.

activity fits with a model according to which the role of the periphery was to supply the centre with resources. Tough behaviour often had a destructive effect on the king's control because it was almost guaranteed to turn the victims of the harrying into opponents. When Sverre became king of the Birkibeinar faction in 1177, the saga says that he was afraid that his men "would provoke the people against them with robbery and violence rather than follow him through adversity".²⁵⁰ This was the dilemma that many war bands experienced in their initial phase.²⁵¹ Robbery was essential if they were to feed themselves, but it subsequently made it even more difficult to get hold of essentials.

Royal punishment or harrying, however, could also play a more constructive part in the king's exercise of power. If Sverre did not establish friendlier relations with Sogn in 1184 or Viken around 1200, it is not certain that this was solely due to his inability to do so. It may be that a friendly relationship did not seem wholly positive to him in these cases, as harsh behaviour towards peasants did not only have a destructive effect on a king's mastery, but could also help to strengthen it. A fundamental part of the king's exercise of power consisted in intimidating peasants into obedience, as is so clearly expressed in Erling Skakke's previously quoted warning to his son in *Heimskringla*: "you will not long rule your kingdom if you behave only with mildness."²⁵² Just after Sverre in 1177 had declared his aversion to robbing, the saga says that he sent a hundred men to Ossur Hisle's farm, "and they stole property to a value of 20 marks of gold".²⁵³ The price Sverre had to pay for that was Ossur's future enmity, but on the other hand it made the peasants so afraid that they agreed "to give the king everything he saw fit".²⁵⁴ The submission was not of the genuine or lasting kind, but the significance of this type of submission is clear from Sverre's speech after the Birkibeinar had suffered defeat by the Heklungar at Hattammeren in 1178: "Before this battle we had always been victorious and had the best of things; most people then were afraid to make war

²⁵⁰ "helldr vilía egia alþýðo i hovuð ser af ranum oc mikille uspect æn fylgia honom i mannaunom" (*Svs* 11).

²⁵¹ Cf. *Svs* 110, 114, 116, *HsH* 33, 78–79.

²⁵² *ME* 35. Kåre Lunden emphasizes the role of the "guests" in doing the dirty work and spreading terror on behalf of the king (Lunden 1976, pp. 416–20).

²⁵³ "rænto þeir þar til .xx. marca gullz" (*Svs* 16).

²⁵⁴ "lagði konungr slikt allt a hendr þeim sem honom syndiz" (*Svs* 16). Cf. *Svs* 18, 28.

against us.”²⁵⁵ The result of their failure in battle was that the peasants lost their respect for them, and this would end with them letting themselves be “chased around the country by them”.²⁵⁶

This negative side of power is not expressed very often in the sagas, and especially not with the greater emphasis on the *rex iustus* ideology in *Hákonar saga Hákonarsonar*. It is difficult to see any evidence of King Håkon instilling fear through his image and actions. When he burned farms in Vermland it was because his cause was just, in accordance with the exhortations in *Konungs skuggsiá*, and it was emphasized that he was not acting in anger, and that he gave the peasants ample opportunity to repent their crimes.²⁵⁷ There is a great contrast, however, if we compare this picture of King Håkon with the one painted of him in the poems from his expeditions abroad in the 1250s. Here the descriptions follow the pattern of earlier behaviour at home, with the king’s revenge or harrying being a reaction to personal insults against him.²⁵⁸ This suggests that the exercise of royal power continued in much the same way as before, apart from the fact that direct descriptions of naked power were “banished” to foreign lands. It was crucial for the king to instil fear in his opponents if he was to succeed in gaining their submission.

The king’s campaigns abroad also illustrate how closely the deterrent aspect of power was interwoven with its glorious facade. The first time King Håkon was to meet Earl Birger of Sweden, in 1249, he had summoned a large *leiðangr* army. Birger let the king wait, however, and his messenger gave the following reason for that: “when he heard that you had a large army, he did not know whether you wanted peace.”²⁵⁹ Håkon then sent men to the earl to say that “this was not done out of faithlessness, but it was his custom to travel with large and well-equipped ships”.²⁶⁰ This ambivalence was scarcely something Håkon tried to eliminate. On the contrary, by hinting at his threatening power

²⁵⁵ “að þessi orosta væri hófðu ver iafnan sigr oc hinn hæra lut. ottuðuz þa oc flestir menn at fara með hernaði imoti os” (*Svs* 29).

²⁵⁶ “undan þeim recaz um landit” (*Svs* 29).

²⁵⁷ *HsH* 107–8, 111, 112–17.

²⁵⁸ Cf. pp. 278–80.

²⁵⁹ “nu er hann spurdi, at þier havfdut her mikinn, vissi hann eigi, hvort þer vildud frid” (*HsH* 266).

²⁶⁰ “honum geck ecki otrunadr til þess, helldr var þat sidr hans at fara med stor-skipum ok vel bunum” (*HsH* 267).

he demonstrated that he was also an attractive friend. The result of their meeting was marriage and alliance.²⁶¹

The unclear distinction between centre and periphery was to a certain extent the result of sheer necessity, as the borders varied according to political fortunes and misfortunes. The ambiguous dividing line, however, was not just a problem for the kings, but also something that they could take advantage of. The kings in this period had no realistic ambition to achieve a general pacification of their realm. The immediate goal was to keep other rivals at bay. This made unpredictability into a key property in the king's exercise of power. In the absence of a fixed bureaucratic framework in which to implement a consistent policy, the king had to use his power actively in both a positive and a negative sense. The attraction of gaining the king's friendship lay in the fact that the alternative—his enmity and anger—was as intimidating as his gifts were extravagant. And the main point was that no one could be entirely sure when the king would show his gentle or his merciless side.

²⁶¹ *HS*H 268.

CONCLUSION

UNPREDICTABILITY AND PRESENCE

Absolute and Contextual Loyalty

In 1223 a national assembly was held in Bergen to determine who was the true heir to the kingdom. Here the lawman Ámunde Remba was accused of having told Earl Skule Bårdsson that he had a greater right to be king than Håkon Håkonsson had. Ámunde did not deny that he had received gifts from Skule, but he did deny that this had had any consequences for his judgement: “But I have not drunk myself so senseless and faithless that I have lost my manhood or truth.”¹ Here he presented an absolute ideal of loyalty, as a property that was supposed to be permanent, not varying from situation to situation. The lawman Gunnar Grynbaek explained this absolute view of loyalty with reference to the Lawbook of King Olav the Saint, in which only kings’ sons could become kings. Håkon was therefore the only true heir to the kingdom.²

In the first part of this study, about ideal subordination, I considered how an absolute ideal of subordination was introduced to Norway, based on an analysis of the terms for obedience and service. I did so first in connection with the relationship to God. This was an absolute relationship in that everyone was obliged to show unconditional obedience and service to God, everywhere and always. From the middle

¹ “En eigi hefi ek druckit vit ne einord, at ek hafa fyrir þui latit manndominn ædr saninnde” (*HsH* 93). Here Ámunde linked loyalty (*einord*) with good sense (*vil*), manhood (*manndom*), and truth (*saninnde*). He called the gifts *gjöf*, whereas Arnþjórn called them *mutugjöf* (*HsH* 89), which evoked stronger associations with bribery.

² *HsH* 91. The view of King Olav the Saint as the “real” lawgiver has been disputed. Kåre Lunden says that it demonstrates a widespread opinion in the Middle Ages that the law was “old” and “good” (Lunden 1976, pp. 389–95). According to Knut Helle, the view that the law was immutable was a result of an ecclesiastical ideology that gained a foothold in Norway in the twelfth century and became firmly established during the thirteenth century (Knut Helle, “Rettsoppfatninger og rettsendringer”, in G. A. Ersland *et al.* (ed.), *Festskrift til Historisk Institutt 40-årsjubileum 1997*, Bergen 1997, pp. 57–65; Helle, “Lov og rett i middelalderen”, in Mundal and Øye 1999, pp. 13, 15; Krag 2000, p. 233).

of the twelfth century this absolute subordination was transferred, with certain modifications, to the relationship to the king. Obedience primarily concerned the subject's relationship to the king, and unlike friendship, it was an impersonal and unilateral relationship. Service was central for the relationship of the hird to the king, and ran contrary to accustomed notions that it was degrading to serve someone else. The king's dominion was based on the principle of constancy. He was supposed to be a *rex iustus* who administered law and justice in a consistent and standardized way without regard for time, place, or a person's standing.

The question is whether this gives an adequate description of how loyalty to the king and the royal administration of justice was perceived in the High Middle Ages. The analysis of the terms for obedience and service is of limited value as evidence when it comes to practical subordination. The word *lýðni* is used very rarely in the kings' sagas, and the few times the term does occur it almost exclusively concerns formal occasions. *Þjónusta* is employed more frequently, but mostly to underline the dedication of the hird to the king. The use of the two terms therefore says more about how subordination was ideally perceived than about the form it took in practice.

Åmunde Remba's assurance of loyalty at the national assembly in 1223 appears in a different light if we relate it to his actions, for in practice he continued to support Skule. When Skule Bårdsson took the title of king in 1239, Åmunde was the first speaker.³ His colleague Øystein Roesson was also accused of having supported Skule's case at the national assembly in 1223. Øystein, like Åmunde, denied this, but only after having made an admission: "I expect that many of us have said similar words to the earl which not everyone would stand by now."⁴ Gunnar Gryn timer was likewise not as firm about what was legally right as his reference to the law of Saint Olav implied, for he was initially unwilling to decide who was entitled to be king, his reason being that

³ *HsH* 199, on Åmunde cf. also 235, 238. The saga does not report what Åmunde said in his speech in 1239, but another speaker, Erling Ljodhorn, stated that Skule was entitled to be king (*HsH* 199). It is likely that Åmunde did the same.

⁴ "Ek vænti, at margir vier hofum þau ord mælt fyrir jarli, at eigi gangi nu allir við" (*HsH* 93). Cf. the vassal Arnþjörn Jonsson's exhortation to Øystein: "Let us now say outright what we have often said to the earl" (*HsH* 93).

“most people are afraid of power”.⁵ The sagas show that it could be fatal to express outright support for one party in such a conflict.⁶

Øystein and Gunnar were open to the idea that loyalty was a function of physical presence, and more specifically of the ruler’s superior physical power. When they were with King Håkon they supported him, as they were willing to support Earl Skule when they were sharing a table with him. They did not regard this as disloyalty, however, but as a natural thing. Loyalty was contextually determined and limited. Pledges of loyalty did not apply everywhere and at all times; they acquired their meaning from the concrete situation where they were pronounced, and could therefore not serve as a yardstick for future actions.

In this study I have made a distinction between an ideological and a practical perspective. In the ideological perspective the sagas have been used as relics of the saga authors’ beliefs, which in turn have been linked to the royal ideology of the period. One main aim has been to try to get beyond this ideological perspective by proceeding from what the actors really did do as described in the sagas. This has been called the practical perspective. There is no simple way to get at the actors’ deeds. They are reported in kings’ sagas, which were written for and about kings, and therefore cannot be considered as accurate historical accounts. The “reality” in a positivist sense is consequently far beyond our reach, in the sense that we have limited opportunity to find out “*wie es eigentlich gewesen*”. Yet that has not been an absolute obstacle in this study.

First of all, by using the sagas as records we can come relatively close to the historical reality. Even if the authors of the contemporary kings’ sagas had considerable scope in their depiction of the past events, they were not totally free. The past placed restrictions on what

⁵ “flestir eru hræddir fyrir valdinu” (*HsH* 91). The term *vald* means both “power”, “dominion” and “force”. Gunnar’s reluctance to adopt a stance was not occasioned by the risk of misinterpreting the lawbook, but by what the consequences would be if his opinion was not supported at the national assembly. The assembly would also have been superfluous if Saint Olav’s law had been as firmly established as Gunnar Grynþak implied. In reality the assembly was a touchstone in an ongoing rivalry between Håkon and Skule, which concerned power more than justice (Lunden 1976, pp. 182–83, versus Helle 1974, pp. 107–8).

⁶ On Amunde’s colleague Ivar the lawman, who gave Skule the title of king in 1239, the saga says: “He ended by saying, although it was of little benefit, that he did this [called Skule king] because that pleased him best” (*HsH* 199). We do not know his fate in detail, but in all probability he was killed for what he said.

they could tell, because the sagas dealt with the recent past and were presented to an audience who served in some respects as a “reality check”. Secondly, the most important thing in this analysis has not been to find out what actually happened, but what *could* have happened. Here the sagas have been used as evidence of what seemed plausible in the accounts of the situations. The sagas’ descriptions are culturally meaningful, even if they are not necessarily historically correct in every detail.

The king’s exercise of power has been analysed in this study on the basis of situations where obligations to the king conflicted with other considerations. Such situations where the king encountered opposition are particularly suitable for shedding light on the limitations to which the saga authors were subjected when portraying the past, for they show how norms were ranked in practice. In the main part of the study, about practical subordination, I have shown, based on terms for loyalty, that loyalty to the king was a highly contextual norm. Loyalty was not so much a permanently defined norm, but something that had to be activated from one situation to another. To achieve subordination, the king was dependent on acting unpredictably, and inspiring awe in the people in his presence. This was the main theme in the part about practical subordination, where the king’s relationship to retainers, magnates, and peasants was analysed. In this conclusion I shall first examine these two aspects of the king’s exercise of power in concerted form. Here I want to develop the arguments without full consideration of the questions of representativeness and changes during the period. Such reservations will be dealt with in the next section, where I try to place my results in relation to the development of society, as well as to previous research, in the High Middle Ages.

Unpredictability

I began this study by citing Duke Håkon’s amendment granted to the men of Hadeland in 1297, when he confronted them with their “great and outrageous offence”, but showed them mercy because they “humbly asked for mercy and forgiveness”.⁷ The three elements from this amendment constantly recur in the descriptions of conflicts in the

⁷ Cf. the introduction, p. 1.

kings' sagas: the king's accusations as a consequence of a breach of the law, the adversary's submission in the face of the king's righteous wrath, and finally the king's grant of mercy or quarter when he saw the adversary's willingness to submit to his judgement. In this ideological perspective, the king acted as a *rex iustus*, who based his administration of the law on an absolute form of justice, the aim of which was a consistent application of the law, in the sense of being predictable.

In the king's practical actions, however, unpredictability played a significant, and often decisive, role. This is clear from the accounts in the kings' sagas of the king's conflicts with magnates and peasants. The king's relations to these two groups were not identical, but they have obvious points in common.⁸ In the following I shall demonstrate the role of unpredictability in the three phases of the conflicts: accusation, submission, and resolution.

Firstly, unpredictability was a central factor in the accusations brought by the kings. Based on the *rex iustus* ideal, such accusations ought to reflect a consistent application of law and justice. However, this is hard to reconcile with the fact that the opposing party often disagreed with the accusations. When they perceived a greater flexibility than the king in what could pass as loyalty, this can in large measure be regarded as a tactical move in the situation. The disagreement nevertheless went deeper than this, because the study of the prior history of the conflicts showed that the king's accusations of disloyalty mostly came as a surprise to the person accused. This suggests that the king's accusations were controversial. It was not firmly established what was right and wrong, and therefore it was not self-evident which actions were accepted and which would be condemned. In addition, the significance of the legal aspect should not be exaggerated. The legal sphere had limited autonomy, and therefore should not be studied independently of the power relations in the situation. The analysis of the actor's deeds indicates that they did not primarily perceive the confrontations as legal disputes between a king administering justice and his disobedient subjects, but as conflicts of interest in which the issues of power and justice were closely interwoven. Kåre Lunden puts it like this: "The other side of the coin that every conflict of interest was perceived as a legal issue was that every legal issue was ultimately settled with power."⁹ The king put

⁸ Cf. the chapters on magnates and peasants, especially p. 285.

⁹ Lunden 1976, p. 402. Cf. Bagge 2001, pp. 80–83.

forward his accusations as tactical moves in a tug-of-war as to which perceptions were to count most, rather than as manifestations of an ideal of consistent administration of justice.

Secondly, unpredictability was essential if the king's anger was to function effectively. The *rex iustus* ideology allowed the king to display his wrath, but the reaction here seemed predictable both in its incidence (as a reaction to breaches of the law) and in content (which was limited by sanctions specified in law). In practice it was different. For the king the anger would have lost much of its effect if people could foresee when it would occur, and if its extent was restricted by the punishments stated in the law. The reaction was in practice an expression that the king felt his position threatened and needed to create increased respect for his person. The anger in turn represented a threat to the other party which went beyond the legal idiom in that it was not related to offences against the law, but to violations of the king's person.¹⁰ The chief aim of the anger was therefore to scare the adversary into submission. The king's inadequate power apparatus made this element of fear an important condition for his dominance, and the effectiveness of the anger was dependent on it appearing overwhelming and unpredictable.

Thirdly, unpredictability was an important factor for the way in which conflicts were resolved. For a *rex iustus* it was the nature of the offence and the intention of the offender that was crucial for the passing of judgement. The aim was, to use the vocabulary in the *Könungs skuggsiá*, to find a balance between Mercy and Peace on the one hand, and Truth and Justice on the other. In practice it was an almost impossible task to try to reconcile these principles. If the king displayed Mercy, he implied his willingness to establish an amicable settlement. A king who emphasized Justice by insisting on his right to punish and impose fines, on the other hand, signalled no such accommodating attitude, and such an attitude must in practice often have been perceived as a sign of a king who was seeking revenge (by punishing) and gain (by fining).

It is easy to find a pattern for when the king imposed severe or generous terms in the kings' sagas. Mercy or reconciliation were important for establishing or retaining friendship or control, and consequently

¹⁰ Jolliffe points out that there was no correspondence between observing the law and having the favour of the Angevin kings (1955, p. 98). According to Michel Foucault, premodern princes exerted "a power that presented rules and obligations as personal bonds, a breach of which constituted an offence and called for vengeance" (Foucault 1991, p. 57).

most common in the centre of the kingdom, while punishments or fines gave the king revenue rather than friends, and were most common in the periphery. Yet this does not mean that we can conclude that the king's reaction was predictable. Pierre Bourdieu argues strongly against determinist models of behavior:

Even in cases in which [...] the interlocking of actions and reactions is totally predictable *from outside*, uncertainty remains as to the outcome of the interaction as long as the sequence has not been completed.¹¹

In line with this, the analysis of the conflicts showed that the king did not *always* act mildly in the centre and harshly in the periphery.

The king's unpredictability, however, was not just of this general kind, for unpredictability was a necessary constituent in the exercise of royal power in the High Middle Ages, in a completely different way than for modern heads of state. I have previously cited Erling Skakke's warning to his son in *Heimskringla* about how important it was not to show only indulgence.¹² Jolliffe points out that Angevin kings exercised "discretionary power", as "the ruler's personal hates and fears were released as efficient forces to play about the political world".¹³ It was not the location of an area or the position of a magnate that determined their status, but how the king treated them, and it was therefore not until *after* the confrontations that it was possible to determine exactly what was centre and periphery, and who was a friend or enemy. It was not, and was not supposed to be, completely certain whether one was the king's friend or enemy, or whether an area was defined as centre or periphery. In line with this, William Miller distinguishes between "the predictability of the disputing process" on the one hand, and on the other hand that fact that "the model had little predictive power".¹⁴

¹¹ Bourdieu 1977, p. 9. The quotation continues: "the passage from the highest probability to absolute certainty is a qualitative leap which is not proportionate to the numerical gap" (p. 9). This is described as "retrospective necessity" leading to "prospective necessity".

¹² *ME* 35, cf. p. 185.

¹³ Jolliffe 1955, pp. 95, 48. According to Foucault, unpredictability played a key role in the premodern exercise of sovereign power, which "never appeared with more spectacular effect than when it interrupted the executioner's gesture with a letter of pardon" (1991, p. 53). If mercy was granted it was generally at the last minute, and the ceremony took so long precisely "to allow room for this eventuality" (p. 50, cf. pp. 87–88, 96).

¹⁴ Miller 1990, p. 185. The consequence is that: "It could explain things only after the fact" (p. 185). According to Miller, there were two things in particular the model could not predict: the timing of the revenge and the identity of the victim.

This does not mean that the king was free to do what he wanted, or that the king's unpredictability is synonymous with a state of "anarchy" or "disorder". The *rex iustus* ideal defined arbitrariness as the chief characteristic of the tyrant.¹⁵ This negative view of arbitrariness has had a dominant position in modern historiography, which primarily regards it as an obstacle to growth.¹⁶ To the extent that historians have studied the king's unpredictability, it has mainly been in the form of his generosity. The king's gifts, grants of quarter, and "clementia" have been the subject of some attention as important ways for the king to attach men to him.¹⁷ However, where friendliness constituted one extreme in the king's personality, anger made up the other. Generosity and anger presupposed each other, since the attractiveness of achieving the king's favour was in large measure a consequence of the unbearability of suffering his wrath.¹⁸ And both reactions were unpredictable, without necessarily being arbitrary.

In the Middle Ages it was considered natural that a matter was assessed in its context, while assessments on an absolute basis often were deemed more controversial. *Passio Olavi* explained the fall of Saint Olav as a consequence of his demand for absolute justice being intolerable for the magnates, who therefore banded together and deposed him.¹⁹ What seemed consistent in terms of an absolute legal logic, appeared as incomprehensible in terms of a contextual social logic.

¹⁵ Tobiassen 1969 (1964), pp. 225–26; Canning 1996, pp. 113, 118–19; C. B. A. Behrens, *The Ancien Régime*, New York and London 1989 (orig. 1967), pp. 86–87.

¹⁶ E. L. Jones writes that "the limits to arbitrariness set by a competitive political arena do seem to have been the prime conditions of growth and development" in Western Europe (*The European Miracle*, Cambridge 1987, p. xxxi). Jones has been described as a neo-liberalist (Michael Mann, *The Sources of Social Power* Vol. I: *A History of Power from the Beginning to A.D. 1760*, Cambridge 1986, pp. 406–9), and it is easy to see the influence of Adam Smith's "night-watchman state" in his argumentation. Cf. also the discussion of "feudal anarchy" in the introduction, pp. 11–12.

¹⁷ A forerunner and an important source of inspiration for such studies has been Marcel Mauss's *The Gift*, originally published in 1925). In European history the literature is extensive. For Scandinavia, Aron Ya. Gurevich is an early exponent of this approach ("Wealth and Gift-bestowal among the Ancient Scandinavians", *Scandinavica* 7, 1967). See also Siv Abrahamsen, "...gir du gaver, går det deg vel... Gaveutveksling i den islandske fristatstiden", unpublished master's thesis in history, Oslo 2000; Hanne Monclair, *Lederskapsideologi på Island i det trettiende århundret: En analyse av gavegiving, gjestebud og lederframtoning i islandsk sagamateriale*, doctoral dissertation in history, Oslo 2003, especially, pp. 65–142; Andersson 2006.

¹⁸ Althoff 1998, pp. 60–65; Leyser 1979, pp. 35–37.

¹⁹ According to *Passio Olavi*, Saint Olav promulgated laws to prevent magnates from bullying the common people, "so that both high and low had their rights" (*Passio*, p. 18).

Conflict resolution was primarily based on social relations, not on technical circumstances. The king's obligations to support his friends and punish his enemies were strong, but within these limits there was considerable manoeuvring space. The king acquired much of his power by playing on the adversary's uncertainty as to how he would react, in which his outbursts of anger appeared "as ambiguous as they were intolerable".²⁰

If kings in the High Middle Ages rarely pursued a demand for absolute justice in practice, it should undoubtedly be viewed against the background of their insufficient power to enforce their norms consistently when they ran contrary to other people's will. However, it was scarcely their aim either to administer law and justice in a consistent manner. Their primary task was to keep other rivals at bay, not to create general trust. Without a firmly established power position, one of the king's most important instruments of power was to play on other people's hope for his favour and fear of his reprisals, and a competent king knew how to keep his cards hidden and rule through "a mixture of predictability and unpredictability".²¹

Presence

Until now the focus of the analysis has been on the unpredictability in the actual confrontations between the king on the one hand and magnates and peasants on the other. Confrontations, however, were untypical situations, for the kings were not often present to the magnates and peasants, especially in the periphery. This was the reason why I chose to extend the study to the prior and subsequent history of the conflict situations.

Whereas a *rex iustus* based his exercise of power on constancy, with loyalty being clearly defined and administered in a consistent way, the analysis of what happened before and after the conflicts showed that the king's practical exercise of power built to a large extent on the contrast between his presence and his absence. The almost total subordination that the king achieved in the conflict situations was not reproduced in a corresponding subordination in his absence. The analysis of the prior

²⁰ Jolliffe 1955, p. 106.

²¹ Reuter 1991, p. 207.

history of the confrontations showed that the demands for loyalty that the king made in the confrontations were usually not expected, and the investigation of the subsequent history demonstrated that there was little compliance with the demands for loyalty, and the king did not try hard to enforce them. The expanded temporal perspective thus emphasized that the king's demands for loyalty in the situation cannot be regarded as expressions and activations of an absolute norm of loyalty.

The question is how we should interpret the contrast between the subordination the king achieved in his presence and in his absence. On the one hand it seems natural to interpret this contrast as an expression of the king's vulnerable position. Max Weber defines domination by virtue of authority as a situation in which obedience to the ruler is constant in time and place, and independent of whether he is present or not.²² In this perspective the contrast between the king's authority when present and absent thus reveals his weak position, in that he was unable to maintain in the long term the demands for loyalty for which he gained acceptance in a particular situation. Gerd Althoff puts it as follows: "A long period of time would pass before the ties of dependence on the king were granted priority over all other bonds by reserving allegiance with respect to him alone."²³ The king's power was to a large extent tied to his physical presence, and his domination consequently required him to move around his kingdom. Ambulatory lordship has been extensively studied in connection with the German-Roman Empire, where the emperor's travels, in the words of Karl Leyser, were "the most essential and carefully administered institution" in the Early and High Middle Ages.²⁴ It was crucial for him to visit important places at regular intervals in order to preserve his domination. The travelling can be interpreted here as a direct expression of the poor internalization of obedience, in that the idea of showing obedience to the emperor had to be constantly "refreshed" through his presence. The emperor's itineraries have been carefully charted, illustrating how the kingdom was divided into core areas, transit zones, and peripheral areas.²⁵

²² Weber 1978, p. 53, cf. note 20 in the introduction.

²³ Althoff 1998b, p. 207. On the contrast between the king's theoretical and practical lordship, cf. pp. 173–74.

²⁴ Karl Leyser, "Ottonian Government", *English Historical Review* 96, 1981, p. 746. Cf. literacy theory on itinerant lordship in the introduction, pp. 9–10.

²⁵ Bernhardt 1993, pp. 59–66. Not only was the emperor constantly on the move, he had a virtual monopoly on long-distance travel. Eckhard Müller-Mertens has sys-

The strong correlation of loyalty with the king's presence no doubt must be interpreted as an expression of the weakness of royal power. Yet this does not provide an exhaustive explanation of the character of royal power and domination. Marc Bloch wrote that people in feudal society "were in every way much more disposed to show formal respect for rules than to obey them consistently in practice".²⁶ Charles M. Radding is thinking along the same lines, but he criticizes Bloch for his interpretation of this type of complementarity: "Bloch thought of this phenomenon as an 'inconsistency' that needed explanation, but we can now see that the contradiction is only apparent."²⁷ Radding's explanation for this discrepancy is that medieval people did not think "inconsistently", but used a different logic, according to which "obedience to rules requires no more than formal respect".²⁸ What *we* regard as an inconsistency between theory and practice need not have been perceived as such in the Middle Ages.

This opens for an alternative interpretation of the discrepancy between subordination in the king's presence and in his absence. If the king was unable to achieve the same loyalty in his absence as in his presence, it is not certain that this was only—or primarily—due to his lack of power and ability to enforce such demands. It may also have been a consequence of his lack of *interest* in this. The king's demand for absolute loyalty in a situation does not necessarily imply

tematized the emperor's travel activities (*Die Reichsstruktur im Spiegel der Herrschaftspraxis Ottos des Grossen*, Berlin 1980). See also Leyser 1979; Josef Fleckenstein, *Early Medieval Germany*, Amsterdam 1978; Reuter 1982, pp. 93–94; Timothy Reuter, "The Medieval German Sonderweg? The Empire and its Rulers in the High Middle Ages", in Duggan 1993, pp. 180–210. See also Bartlett 2000, pp. 133–42 on royal itineration in medieval England.

²⁶ Bloch 1975, pp. 235–36. For Bloch this discrepancy between theory and practice is a sign that the once so fixed loyalty of vassals was now dissolving, as a consequence of the fact that bonds of personal loyalty presupposed physical proximity between the parties (p. 236: "Eventually this fealty, so much sought after, became completely meaningless"; p. 237: "the Carolingians and their imitators had made a serious blunder").

²⁷ Charles M. Radding, *A World Made by Men*, London 1985, p. 185. A somewhat similar point on Bloch's unconvincing concept of rationality is made by Jack Goody, "Marc Bloch and Social Anthropology", Stuart Clark (ed.), *The Annales School. Critical Assessments*, Vol. IV, London and NY 1999, p. 234.

²⁸ Radding 1985, p. 185. Radding uses the psychologist Jean Piaget's theories of cognitive stages to explain this. Medieval people were at the "egocentric" stage. Radding has been criticized for his use of Piaget's theories (J. J. Contreni in *Speculum* 3, 63, 1988, pp. 709–14, and D. R. Kelley in *Journal of Interdisciplinary History* 1, 18, 1987, pp. 136–38). I nevertheless think that Radding has an important point when he claims that the discrepancy between theory and practice must also be explained on the individual level.

that the demand was intended to apply everywhere and at all times. In the terminology of this study, the demand for loyalty may have been contextual. This leads to the possibility that medieval kingship was not just weaker than later state power, but also that it functioned in a way that was qualitatively different.

The ideal of conquering and controlling nature and society has profound roots in Christianity.²⁹ R. I. Moore believes that kings in the High Middle Ages aimed at controlling and monitoring the population, and he interprets the increasing persecution of deviants in the period as a reflection of this.³⁰ I would nevertheless doubt the importance of this idea in secular politics. It was not until the seventeenth and eighteenth centuries that surveillance of the population became an important concern of the state.³¹ In practice, a medieval king had much more limited ambitions than controlling the population. A more immediate goal of greater practical significance was to gain confirmation for his supremacy in a kingdom that he often ruled in name more than in reality. His main challenge often consisted in keeping rivals at bay rather than trying to govern omnipotently.

The fact that the king's domination was so dependent on his physical presence is reflected in the symbolism surrounding royal power:

In an age when political thought had little theoretical underpinning, it is precisely the concrete expressions of royal power which seem to have had prestige and influence, being, as representative *insignia*, more readily intelligible to the "imaginaire médiéval" than abstract trains of thought.³²

The most concrete expression of the king's power was his physical presence. The king's meetings with subjects and allies therefore played a key part in his power position. Such meetings were the concrete

²⁹ Carlo Cipolla, *Before the Industrial Revolution: European Society and Economy, 1000–1700*, London 1993 (orig. 1976), pp. 137 ff; Foucault 1991, pp. 149–50 on the beginnings of the disciplining of humans in monastic cells.

³⁰ R. I. Moore, *The Formation of a Persecutive Society: Power and Deviance in Western Europe, 950–1250*, Oxford 1987, see especially, pp. 88–91, 99–102, 138–47. Cf. Robert Bartlett, *The Making of Europe: Conquest, Colonization and Cultural Change 950–1350*, London 1993, p. 314, on the connection between medieval expansion and later colonialism.

³¹ E. L. Petersen (ed.), *Magtstaten i Norden i 1600-tallet og dens sociale konsekvenser*, Odense 1984. Foucault thinks that this goal did not arise until near the end of the eighteenth century (Foucault 1991).

³² Thomas Zotz, "Carolingian Tradition and Ottonian-Salian Innovation: Comparative Observations on Palatine Policy in the Empire", in Duggan 1993, pp. 98–100.

occasions when the king could make his imprint, as Clifford Geertz has pointed out:

When kings journey around the countryside, making appearances, attending fetes, conferring honors, exchanging gifts, or defying rivals, they mark it, like some wolf or tiger spreading his scent through his territory, as almost physically part of them.³³

These meetings have a ritual quality. Firstly, they follow a certain pattern (accusation, submission, reconciliation/judgement). True, they do not bear the strict formalism that characterizes, for example, the coronation ceremony.³⁴ On the other hand, this flexibility means that the meetings could thematize and play out internal social tensions in a different way from ceremonies, whose function was to conceal rather than to reveal such tensions. The probable, but nevertheless uncertain, outcome of the meetings marks their dual function as both manifestations and tests of the king's power.³⁵

Secondly, the ritual character of the meetings is shown in their crucial significance for defining the relationship between the king and other groups. This happened on the basis of a specific logic. The encounters symbolized a social order that was not grounded in the constant enforcement of a central power, as in modern society, but in the contrast between ritual and practical power. In the introduction I

³³ Clifford Geertz, "Centers, Kings, and Charisma: Reflections on the Symbolics of Power", in J. Ben-David and T. Nichols Clark (ed.), *Culture and Its Creators: Essays in Honor of Edward Shils*, Chicago and London 1977, p. 153. Cf. Stephen P. Blake, "The Patrimonial-Bureaucratic Empire of the Mughals", in H. Kulke (ed.), *The State in India 1000–1700*, Oxford 1997, pp. 278–303; Theuvs and Nelson 2000, pp. 1–14; Clanchy 1993, pp. 258, 260, 315; Koziol 1995, p. 124.

³⁴ It is primarily the crowning and anointing of kings that has attracted the attention of medieval scholars writing about rituals, in Norway for example M. Blindheim, P. Gjørder, and D. Sæverud (ed.), *Kongens makt og ære: Skandinaviske herskersymboler gjennom 1000 år*, Oslo 1985, and outside Norway for instance Nelson 1986.

³⁵ According to Geoffrey Koziol, rituals differ from ceremonies in that they are not fixed and petrified to the same extent. In rituals the content and result is not a foregone conclusion but can be tested on the way. Ritual thus absorbs and magnifies conflicts and tensions lying latent in society, but their resolution cannot be considered representative of how such conflicts were resolved outside the ritual context (Koziol 1992, p. 7, cf. Althoff 2002; Wickham 2003, pp. 277, 284). This ritual dynamic is also common to several articles in S. F. Moore and B. G. Myerhoff (ed.), *Secular Ritual*, Amsterdam 1977: Victor Turner, "Variations of a Theme of Liminality", p. 40; Eva Hunt, "Ceremonies of Confrontation and Submission", p. 144; Sally F. Moore, "Political Meetings and the Simulation of Unanimity: Kilimanjaro 1973", p. 170. Catherine Bell (1997, p. 83) see ritual as "a central arena for cultural mediation". See also discussion on this in the Introduction, pp. 18–19.

referred to the contrast that Jack Goody saw between “insistence upon gestures of submission” at such meetings and the king’s problems in overcoming “the tyranny of distance”.³⁶ The aim of the meetings was not primarily to specify how far the king could go in his legal demands, or to establish the foundation for royal power. Rather than interpreting the king’s demands for loyalty in such situations as absolute commands, we should keep in mind that they were stated in highly unusual situations. The crucial thing from the king’s point of view on such occasions was to convince others of his immense power and of the wisdom in supporting him for that reason. According to Foucault, it was “in the ritual display of its reality as ‘super-power’” that the power of the king was confirmed, and this manifestation aimed at maximum visibility.³⁷ The king could not automatically reckon on gaining other people’s loyalty, but he had to show himself worthy of it, and this had to be confirmed from time to time. The meetings therefore ultimately centred around the king’s ability to appear like a king and the other party’s willingness to accept this.

The fact that the king’s behaviour in his meetings with the population is a key to an understanding of his domination does *not* therefore mean that his power in such situations can be interpreted as representative of his general power. In fact, it can be interpreted more as the reverse, as an expression of the king’s generally inadequate authority. The discrepancy between the king’s power when present and when absent was significant, but by making his presence as overwhelming as possible, he could hope that it would live on in situations where he was absent. The discrepancy, however, cannot be *solely* interpreted as a reflection of the king’s lack of power, but also as a ritual form of exercising power. The loyalty the king achieved in confrontations with others was not intended to be realized, but had an intrinsic value as a symbol of the king’s confirmed authority. Conflicts were therefore not a sign of crisis for royal power. On the contrary, in practice it was to a large extent *through* conflicts that the king’s power was activated and

³⁶ Goody 1996, pp. 108–11, cf. the introduction, pp. 9–10.

³⁷ Foucault 1991, p. 57, cf. pp. 187–88: “Traditionally, power was what was seen, what was shown and what was manifested and, paradoxically, found the principle of its force in the movement by which it deployed that force [...] The solemn appearance of the sovereign brought with it something of the consecration, the coronation, the return from victory.”

strengthened, and it was the king's ability to emerge unscathed from such conflicts that was the measure of his royalty.

Finally, it should be mentioned that the *rex iustus* ideal did probably not entail such a significant departure from a domination based on unpredictability and presence in practice as it did in theory. Whereas in theory the ideal was based on the consistent enforcement of absolute norms, in practice it contained both contrasts in the form of the king's anger and mercy, and unpredictability through an evaluation of guilt that was so complicated that in reality it was only the king who could understand it and manage it. There is good reason to assume that much of the attraction of the *rex iustus* ideal lay in its very ambiguity and flexibility. It permitted kings to appear as just without having to give up their necessary tools of control—unpredictability and presence—which could easily be clad in Christian garb.

Continuity and Change

In the introduction I highlighted three features of the anthropological turn: its stress on a consensual perspective, on an actor-oriented approach, and on continuity in the development of society. Above I have elaborated on the first two points, which simultaneously functioned as a summary of the most important results of the study. A mutual settlement that showed consideration for both parties was typical of conflict resolution, while the significance of unpredictability and presence illustrates how important was the personal aspect of wielding power. The last point—continuity and change in social development—has been discussed throughout the text, but in the light of the critique against the anthropological turn for painting a static picture of society, and for not explaining the transition to a more centralized society during the High Middle Ages, there is reason to deal with the issue of continuity and change more systematically.

In the rest of the conclusion I place the results of the study in a broader context. First I shall discuss the representativeness of the sources. This will be brief as a detailed discussion of this was carried out in the methods section of the introduction. Most of the space will be devoted to the question of change. I will also undertake a historiographic discussion and consider this in the light of the legal anthropological turn.

Representativeness

The exercise of royal power that I have sketched above cannot automatically be considered representative of the king's exercise of power in general during the period. Firstly, I have not stressed the institutional aspect of the king's governance. There is no doubt that the king's indirect domination through his local representatives was important, and steadily grew in importance in the course of the High Middle Ages. The character of the relationship between the king, his officials, and the peasants is such a huge topic that it would have been impossible to analyse it in detail as part of the present study, where the central consideration has been the king's *direct* relations to others.

Another objection is that this inquiry has not used all the sources we have for the period. Archaeological sources and onomastic material are important evidence for the study of the material basis of royal power which have not been used in this dissertation.³⁸ Moreover, this study has had a clear emphasis on the saga material. Normative sources have been brought in, especially in the first part, but they have not been used nearly as thoroughly as the sagas. This is partly a result of the main focus here on conflicts and practice, and partly of the fact that much of the normative material comes from the last three decades of the thirteenth century, whereas the chronological focus of this study has been on the period before 1263.

A final objection when it comes to representativeness concerns the value of the selected sources as evidence for royal power in general. Kings' sagas tell of kings and what was important for them, and other actors are only brought in if they are relevant for the kings' deeds. In addition, terms for loyalty are most frequently employed in conflict situations, and such confrontations mostly took place in the kings' peripheral areas. The presumably more peaceful relationship between king and the population in the centre is therefore under-represented in the sources selected for this study. This implies that the conflicts analysed here cannot be interpreted as being representative of the king's power position.

³⁸ This theme has been discussed in *HT*; cf. Hans Jacob Orning, "Den materielle basis for den norske kongemaktens utvikling i høymiddelalderen", *HT* 3, 2005, pp. 455–469; Knut Dørum, "Materiell basis og den antropologiske vendingen", *HT* 1, 2006, pp. 87–105; Orning, "Kongemaktens lokale maktgrunnlag i middelalderen", *HT* 4, 2006, pp. 675–84.

This lack of representativeness is nevertheless, as I see it, not a crucial objection to this study, because the conflicts are not primarily analysed because they are supposed to be representative. They have an *exemplary* more than a representative function in that they manifest latent tensions in the king's relations to retainers, magnates, and peasants. In the introduction I described this as a search for "counter-voices" in the sources. I argued that such traces should be ascribed greater importance than a source-critical approach based on representativeness would give them. The reason for this is that there is reason to believe that the saga authors tried as far as possible to repress the counter-voices, because they did not fit with their idea of how a king should appear.

Representativeness is also a more problematic concept than is often assumed. This can be illustrated with two different interpretations of two episodes whereby peasants killed their *sýslumaðr* and were subsequently punished.³⁹ Kåre Lunden puts the episodes into the following context: "spontaneous peasant risings were severely punished by the crown, and peasant support for enemy factions was suppressed with merciless terror."⁴⁰ Based on the same episodes, Knut Helle has concluded that the peasants showed through the killings that their sense of justice was intact, and that they illustrate "the tendencies to rebellion against the rule of the *sýslumenn*".⁴¹ Both historians regard the episodes as representative, but within mutually exclusive interpretative frameworks, from which it is impossible to determine which of the interpretations is most true or probable. Lunden's interpretation has problems explaining why the peasants dared at all to go as far as to kill the *sýslumenn*, while Helle's cannot explain why the peasants were punished so severely. What the two explanations have in common, however, is that they presuppose that royal power was strong—for Lunden displayed in a typical manner, for Helle manifested in untypical activity. Their shared error, in my opinion, is that they do not make a clear enough distinction between the subordination the king could obtain when present and when absent. In this they share the widespread opinion among Norwegian historians that ambulating kingship ceased around 1100.⁴² They thus

³⁹ The episodes concern the killings of Jon Drotning in 1205 (*Bs* 17) and Ragnvald Hallkjellsson in 1217 (*HsH* 32, 70).

⁴⁰ Lunden 1976, p. 177.

⁴¹ Helle 1974, p. 100; Helle, *Under kirke og kongemakt 1130–1319*, Oslo 1995, pp. 73–74.

⁴² Holmsen 1976, p. 191; Helle 1974, pp. 194–95; Andersen 1977, p. 297.

end up interpreting the situational strength of royal power as coinciding largely with its permanent position. The English historian David Crouch formulates the problem, and challenge, in this way:

[...] we should, I think, begin to ask ourselves whether the apparently dominant kingship of Norman and Angevin England was more than a documentary veneer the sheen of which duped nineteenth-century historians, and continues to mislead us.⁴³

Whereas Norwegian historians as a rule have concluded that the king's strength when present is an indication of his general domination, I have gone in the opposite direction, proceeding from the starting point that the king's presence was untypical. As a result the periphery has been highlighted, because this was where most of the king's conflicts arose. The contrast between the king's presence and his absence was greatest in these areas, since the king rarely visited them. The king's unpredictability was also most evident in the periphery, because his domination here was most vulnerable. There is little doubt that the king acted with greater harshness in the periphery than in the centre. Yet this does not mean that his behaviour was essentially different in the two areas. In the centre too, the king's domination was based on presence and unpredictability, but the contrasts between the extremes were smaller here than in the periphery. The reason why the difference between centre and periphery was one of degree and not a difference of kind must be sought in the fact that the boundaries between centre and periphery, unlike fixed national borders, were vague and changeable. As I argued in the previous chapter, it was not the location that determined the classification of an area, but how the king treated it. The king sometimes acted more leniently than expected in presumed peripheral districts (which thus became more central), and more severely than expected in the centre (which consequently took on peripheral features). The king's behaviour in the periphery is therefore valid also for his behaviour in the centre. It shows, in enlarged form, the anatomy of his exercise of power, and explains why an analysis of the conflicts

⁴³ David Crouch, "A Norman *Conventio* and Bonds of Lordship in the Middle Ages," in G. Garnett and J. Hudson (ed.), *Law and Government in Medieval England and Normandy: Essays in Honour of Sir James Hunt*, Cambridge 1994, p. 320.

about loyalty in the periphery are a key to an understanding of the royal power in general.⁴⁴

Although this investigation has had a qualitative orientation, it is nevertheless a fact that conflicts in the kings' sagas show a downward trend in time. *Sverris saga* describes more conflicts than *Hákonar saga Hákonarsonar*, and in the latter saga the majority of conflicts take place before 1240. In addition, there were increasing numbers of conflicts outside the borders of Norway, which gradually became more clearly marked. Although there may have been ideological reasons for this decline in conflicts, and the preceding analysis has shown that the conflict structure in many ways remained unchanged, there is still reason to discuss the decline in the frequency of conflicts. This brings us to the question of changes in the course of the High Middle Ages.

Change Over Time

There is consensus among Norwegian historians that the king's power was significantly strengthened in the High Middle Ages, and that it was not *primarily* through physical coercion that the Norwegian kings obtained their strength, although opinions here are more divergent.⁴⁵ Throughout the period, Norwegian kingship was modest in scope.⁴⁶ When Norwegian historians have nevertheless believed that the king acquired considerable power and influence during the period, it is based on a premise that the monarchy filled functions that brought

⁴⁴ In a fully developed state the king's actions outside the kingdom will nevertheless not be transferable to his behaviour inside the kingdom, because the boundaries of the kingdom are permanent, marking an absolute difference between the territory where the king's rule is legitimate and areas where he has no legitimate power. National boundaries were being more fixed than previously during the thirteenth century, but a long time would pass before they were sharply defined, and this of course applied more in practice than in formal terms. Cf. Opsahl 2003, pp. 43–46.

⁴⁵ Sverre Bagge has stressed the strong "civil" tradition in the view of the Norwegian state in the High Middle Ages (Bagge 1996b, pp. 63–64). This applies even to a Marxist inspired historian like Halvdan Koht, see for example "Den gamle norske retts-staten", *Frå norsk middelalder*, Bergen 1959, pp. 27–49. The exception here is Kåre Lunden.

⁴⁶ The king's hird consisted of about 300 men, of whom roughly 50 were stationed around the country as *sýslumenn* (Helle 1974, pp. 204, 208; Lunden 1976, p. 414). Jón Viðar Sigurðsson has calculated that there was one royal representative per 3,600 inhabitants (Jón Viðar Sigurðsson 1999, pp. 144–45). Yet Lunden believes that the royal power apparatus was larger, and that it had considerable potential to exercise control (Lunden 1976, pp. 420–26; 1979, pp. 45–47). See more about this, pp. 322–36.

the king support from important population groups. We can make a distinction here between two main positions: those who think that the king's judicial apparatus appealed to the peasants (critical empiricism), and those who claim that his power apparatus attracted the magnates (historical materialism or Marxism). In my opinion, neither of these premises is fully tenable, as insights from the anthropological turn can help to clarify. I shall discuss this in more detail in the following.

According to Jens Arup Seip, the crown gained much of its power because the expansion of the royal judicial apparatus was in the peasants' interest: "the peasants need the king, and therefore his power is strengthened."⁴⁷ The reason the peasants turned to the king was, in Knut Helle's words: "The old legal order had lacked a really effective authority. This *vacuum* was to a considerable extent filled by the monarchy in the course of the High Middle Ages."⁴⁸ During the civil wars in the twelfth century, a state of anarchy had evolved, and the cessation of hostilities was primary an expression of the fact that "the yearning for peace was now strong in the broad strata of the population".⁴⁹

This view of the civil wars builds fairly directly on the understanding reflected in the normative sources of the period. Helle refers to King Håkon Sverresson's account of the lawlessness during the civil wars in the letter of reconciliation of 1202 as a reliable description of the reality.⁵⁰ This quickly became the predominant contemporary view of the civil wars. In the national law from 1274 the hostilities were explained

⁴⁷ Seip 1983, p. 63.

⁴⁸ Helle 1995, p. 187, my italics. Cf. Helle 1974, p. 179. Helle agrees with Ole Fenger ("Freds- og retshåndhævelse i middelalderen", *Fred og ret i middelalderen*, Århus 1993, pp. 181–82) and Joseph Strayer (Strayer 1972, p. 10).

⁴⁹ Helle 1995, p. 70. Many historians have shared this view of the civil wars. According to Fredrik Paasche, "people looked back with horror on the arbitrary domination from which they had escaped", because it showed "what great dangers lay in the freedom of vengeance in the kin-based society", and the solution lay in "seeking salvation in a stronger state" (Paasche 1966, pp. 109–10, cf. Johnsen 1948, pp. 88, 161, 138). Arne Odd Johnsen equated blood vengeance with "primitive human instincts", and a state with "self-discipline" (Johnsen 1948, pp. 100, 136). A more moderate version of this outlook has recently been put forward by Arnved Nedkvitne, who believes that Norwegian kingship represented a "non-violent way of creating hierarchy", in contrast to the Icelandic commonwealth, which is an example of a "pre-state society governed by a warrior class" (Nedkvitne 2000b, pp. 244–45; Nedkvitne 2000, pp. 27–35; Rygg 1997, pp. 138, 205).

⁵⁰ Helle 1995, p. 70. "Now neither learned nor unlearned fear God or good men. Rather, every man now lives as he pleases in a lawless order" (*MD* 76–77). Cf. Johnsen 1948, pp. 91–92.

as a result of “the great fog of error by which the majority of the people in this country have been so vexatiously blinded”.⁵¹

The historian Bjørn Qviller points out in a review that Knut Helle shows “a clear tendency to speak of the individual’s natural inclinations, and that an authority is needed to keep evil inclinations in check”.⁵² The idea that people were inherently wicked and had to be kept in a firm grip was widespread in contemporary clerical circles and had its background in Augustinian thought.⁵³ However, this outlook on humanity is far from neutral. This is evident from the image of dearth in *Konungs skuggsiá*, where the people were portrayed as sinful and disobedient unless they were kept in awe by chieftains, and it was only a powerful monarchy that could cure this distressing state.⁵⁴ If a pre-state society was an anarchy where people’s evil inclinations were given free play, a powerful state seems both necessary and desirable.

Sverre Bagge has pointed out that the description of dearth in *Konungs skuggsiá* has a lot in common with Snorri Sturluson’s account of society in *Heimskringla*, with the significant difference that, where *Konungs skuggsiá* condemned it as a deplorable deviation from the proper order, Snorri described it as the natural order of society.⁵⁵ This was a society where

⁵¹ *ML* II 3, *H1*, cf. p. 57. The old Frostating law begins by lamenting “how large and manifold damage most men’s families in the country have suffered from the killing and execution of good men, which was more common in this country than in most other countries” (*F* 1). The remedy was to maintain the Law of Saint Olav, which “has not been observed until now because of greed”. The neglect of Saint Olav’s law was thus associated with people’s inability and unwillingness to maintain law and justice. Note the similarity to Gunnar Grynbaek’s comments in 1223, cited above (p. 311).

⁵² Bjørn Qviller, “Historieforskning eller nasjonalreligiøs mytefortelling? Helle—Benum—Slagstad—Seip”, *Agora* 3/4, 1999, p. 301, cf. pp. 300, 310–13. Kåre Lunden has criticized Helle for having “adopted the medieval king’s ideological-legitimizing ideas about his own function when he says that the king ‘ensured justice’” (Lunden 1985, p. 94). Lunden prefers to use the neutral term “accepted rules”.

⁵³ Theodoricus ended his history of Norway with the death of Sigurd Jorsalfar, his justification being that it was “totally unfitting to record for posterity the crimes, killings, perjuries, parricides” that took place after that (Theodoricus Monachus, *The Ancient History of the Norwegian Kings*, transl. David and Ian MacDougall, London 1998, ch. 34). Cf. the corresponding view of shifts between good and bad times in Iceland (Peter Foote, “Sturlusaga and its Background”, in *Aurvandilstá*, Odense 1984, p. 12) and in Denmark (Hermanson 2000, pp. 52, 99, 106). The development of this outlook on humanity is a theme treated by Qviller in *Rusens historie* (Oslo 1996), see especially, pp. 118–33.

⁵⁴ *KS* 50–55 (103–11), e.g.: “no one fears punishment any longer when the rulers fall out and are weakened thereby”.

⁵⁵ Bagge 1991, pp. 140–45; Bagge, “Nature and Society in The King’s Mirror”, *Arkiv för nordisk filologi* 1974, p. 23.

personal honour and self-assertion were central properties, not unlike in the Icelandic society in the commonwealth period. Society consisted of a series of local hierarchies, led by chieftains who competed for power and prestige by forging alliances and waging feuds.

Anthropologically inspired studies of societies like medieval France and Iceland have shown that pre-state justice is far from being the “vacuum” and the “anarchy” that earlier generations of scholars believed it to be. This also means that we must question the peasants’ alleged interest in royal administration of justice. If people were accustomed to creating order by themselves—whether by taking revenge for offences or by attaching themselves to local magnates in order to gain their support—and this was not an unregulated chaos, there is little reason to believe that the king’s administration of justice would seem particularly attractive.

In this study it has not been possible to investigate local justice in detail, but it indicates that the king did not encounter any “vacuum” or any pronounced benevolence from the peasants in his attempts to control them. I have also found that the kings’ rule was not essentially different from that of other magnates. Rather than assuming that the kings tried to combat “private” conflicts as a matter of principle, there is reason to believe that they tried to eliminate rivals in the same way as other powerful people did. When Andreas Holmsen claimed that “in scarcely any European country was the Christian ideal of ‘the just king’ realized as far as in Norway”,⁵⁶ I think he is doubly wrong. The idea that the king was particularly peaceable, and that the peasants perceived him as such, is based primarily on the royal ideology, and much less on the king’s actions in practice. Unpredictability and presence were necessary elements in any exercise of power, including the king’s, in a society where the *rex iustus* ideal not had been embraced by more than the innermost royal and ecclesiastical circles.

Kåre Lunden is the latest representative of the materialist view of Norwegian kingship in the High Middle Ages. If the peasants were

⁵⁶ Holmsen 1976, p. 185. The wording concerns the kings at the end of the thirteenth century. This contrasts greatly with Holmsen’s earlier critique of Tobiassen’s article, “Tronfølgelov og privilegiebrev” in that it does not show how the *rex iustus* ideal had made a concrete impact on the law of succession (“Eystein og tronfølgeloven av 1163”, *NHU* II, pp. 293, 297; cf. Claus Krag, “Skikkethet og arv i tronfølgeloven av 1163”, *NHU* IV, pp. 110–25).

interested in having the king administer justice, they had to pay a high price for it, in that they had to give away about a third of their production in taxes and fees.⁵⁷ The question then arises how a king with a rather limited power apparatus was able to exert such a coercive domination during the period, which was even perceived as legitimate.⁵⁸ For Lunden, the answer lies in class affiliation based on the possession of landed property. In the course of the civil wars the landowning groups rallied together, and the foundation was thus laid for a community of interest between king, magnates, and the church.⁵⁹

The emergence of class consciousness is formulated most clearly by Lunden in his summary of King Sverre's significance for state development. Sverre was not primarily an institutional innovator or political thinker, but his importance lay in the fact that he acted as "a 25-year-old, permanent political and military shock", who taught the magnates that "it caused conflict and destruction, not peace, if one faction [...] arrogantly tried to monopolize all the resources of the kingdom for itself".⁶⁰ Peasants and townsmen learned that "it could be the lesser of two evils to accept regular sacrifices to a state power that was strong enough to ensure reasonable order and peace".⁶¹

I have two objections to Lunden's thesis that state development was so extensive in the period. Specifically, I think that Lunden exaggerates

⁵⁷ Lunden 1976, pp. 268–312, especially, p. 309; Lunden *NHU IV* (1978), p. 204; Lunden 1985, p. 98. Helle has criticized the estimate for being based on too many uncertain factors to be of any value (Helle 1977, p. 515; Helle 1979, pp. 84–85; response by Lunden (1979, pp. 43–45). Lunden has in many ways reinforced the materialist perception of the peasants in the High Middle Ages as being heavily exploited (Bagge 1996b, p. 63).

⁵⁸ The high degree of exploitation does not mean that Lunden considers kingship to be illegitimate, as Helle and others have interpreted him (Helle 1977, pp. 515–17; 1981, p. 184). On the contrary, Lunden thinks that the king had a high degree of legitimacy, but he insists that there is no contradiction in the fact that "class rule is also a society governed by law" (Lunden, *NHU IV* (1978), p. 212; 1979, p. 52; 1985, pp. 94–95; 1982, p. 170).

⁵⁹ Lunden believes that royal power (and secular aristocracy) and the church must be treated together as an upper class characterized by a division of functions between the kingship producing rule by force and the church producing legitimacy (Lunden 1976; 1977, p. 211; 1985, p. 105). Lunden agrees in large measure with (the early) Andreas Holmsen, who thought that even if no one can fully understand his class situation, class affiliation emerged in the course of the civil wars (Holmsen 1977, pp. 199, 211).

⁶⁰ Lunden 1976, pp. 137–38. Lunden refers to this in an article as the magnates learning "political action" (Lunden *NHU IV* (1978), p. 210). The churchmen learned that, in the struggle for their personal interests, it was "also necessary to be moderate" (1976, p. 137).

⁶¹ Lunden 1976, p. 138.

Sverre's shock effect on society when he claims that he gave everyone a lesson that was to lay the foundation for a more state-like society.⁶² On a more general level it is doubtful whether the actors in society were as receptive as Lunden claims to the "lesson" Sverre gave them. The Marxist-inspired historian Perry Anderson has pointed out that the French nobility took many hundred years to "learn" that it was better to collaborate with the crown than to oppose it, and in a way they never "learned" completely.⁶³ As regards the peasants, who had less to gain from a bond with the king in the form of privileges, the matter cannot have been any easier. There is every reason to believe that the king's path to being perceived as a legitimate ruler who could demand contributions from the peasants must have been long and winding. Lunden also adds by way of conclusion a comment about Sverre's effect on the peasants: "At least they learned to some extent to resign themselves to superior power."⁶⁴ There is a significant difference between the claim that the peasants had accepted and internalized the norms of state power and the fact that they yielded to Sverre, as they would have yielded to any superior power.

The crucial thing for Lunden's thesis about class formation is that the civil wars in large measure cut the ties between magnates and local peasants, with the result that "the aristocracy no longer [...] sought their power and honour as leaders of the local peasant communities. What counted now was their position as representatives of the crown."⁶⁵ Here Lunden is in agreement with most Norwegian historians.⁶⁶ In my view, however, it is doubtful whether the transition from local magnates to royal officials was as swift and complete as this implies. To reword Halvdan Koht's famous statement that "the church can win without the

⁶² One may ask how unique the shock was. Harsh treatment of the peasants was scarcely anything new in Sverre's time. The kings' sagas have many examples of kings who plundered the peasants. Also, I think that Lunden exaggerates the permanence of the shock Sverre allegedly inflicted on society. As regards the peasants in Viken, we have seen that Sverre hardly made himself felt until, after twenty years, he went there to plunder them.

⁶³ Perry Anderson, *Lineages of the Absolutist State*, London 1974, pp. 43–59. In his opinion it was not until the time of the absolute monarchy in the seventeenth and eighteenth centuries that the nobility acted in this way. Even then the community of interest was not complete, as the French Revolution strikingly testifies to.

⁶⁴ Lunden 1976, p. 137.

⁶⁵ Lunden 1976, p. 170. The passage continues: "The peasant's ability to resist was thus also ended and the foundation was laid for a reasonably stable state formation."

⁶⁶ Cf. the introduction, pp. 32–34.

state losing”,⁶⁷ one can assert that a magnate could win a position as the king’s representative without losing his local attachment and authority. Norway has often been held up as a society where there was scarcely any patron-client relationship apart from the hird’s bond to the king.⁶⁸ It is very difficult to study patron-client relationships at the local level in Norway before well into the Late Middle Ages, but with insights from legal anthropology in mind, it does not seem very likely that one should *not* find such relationships in high medieval Norway.⁶⁹

There was scarcely any “need” for the king in pre-state society, neither from the peasants’ viewpoint (just administration of the law by the king) nor from that of the magnates (lucrative royal appointments). As Fredric Cheyette points out, there is no reason to believe that people preferred impartial judgements pronounced by the king to partial judgements in their own favour.⁷⁰ State development is not something inevitable, but something that must be explained.⁷¹ Paul Hyams argues that the so-called “maximalists” (proponents for a considerable state formation):

[...] do not, for my taste, adequately juxtapose undoubted royal aspirations and robust attempts to actualize them with the resistance of individuals equally keen to defend and perhaps further their own opposed interests.⁷²

Acceptance by peasants and magnates was something the kings had to struggle to win, and it took a long time to gain it because it involved a

⁶⁷ Halvdan Koht, “Sættargjerda i Tønsberg”, *Innhogg og utsyn...*, Kristiania 1921, p. 271.

⁶⁸ Helle 1995, p. 190; Imsen emphasizes the rarity of feudal ties in the Late Middle Ages (1990, p. 89); Tore Iversen stresses the tenant-peasant relationship of the High Middle Ages as “businesslike-economic”, but simultaneously points out that this is not incompatible with the existence of patron-client relationships (“Fremveksten av det norske leilendingesystemet i middelalderen—en forklaringskisse”, *Heimen* 2, 1995, pp. 169–80).

⁶⁹ The debate about feudalism has undoubtedly made it easier to use this concept comparatively (see the introduction, pp. 11–20). If feudalism did not involve such a legal and formalistic relationship as earlier research claimed, this also opens for comparisons between different areas, where variants of personal dependencies can be analysed. Advocates of a comparative approach in Scandinavia are Michael Gelting (1988, 1999) and Sverre Bagge in a series of articles, and in the research programme of the Centre for Medieval Studies (<http://www.uib.no/cms/APPENDIX1%20CMS%20RESEARCHPLAN%202007-20012.pdf>, downloaded 29 August 2007).

⁷⁰ Cheyette 1970, p. 172.

⁷¹ This is also emphasized by James Given (*State and Society in Medieval Europe*, London 1990), and Morton Fried (*The Evolution of Political Society*, New York 1967).

⁷² Hyams 2003, pp. 72–73.

fundamental change in the way people thought. To the extent that the king tried to act in accordance with the *rex iustus* ideal, he must have been very much a foreign element in pre-state society. The kings' practical exercise of power, however, scarcely meant such a drastic breach. In their actions they were primarily large—and usually the largest—patrons in a society where there is every reason to believe that the locally based patron-client relationships were the strongest social ties.

More Peaceful Conditions After 1240

Central to the view that there was significant state development in Norway in the High Middle Ages is the transition from “the civil wars” to “the period of greatness”, as it has been called. There has been disagreement as to when the transition occurred: 1217 (King Håkon's accession to the throne) has been gradually shifted to 1227 (the defeat of the Ribbungar) and 1240 (the fall of Skule Bårdsson). Few historians, however, have questioned the transition itself. While King Sverre had to combat a number of rebellious factions, King Håkon Håkonsson had only two or three serious opponents to deal with in the first part of his reign, and after 1240 he was undisputed as king.

There is little reason to doubt the main lines of this development. If King Håkon had been seriously challenged it would probably have been mentioned in Icelandic annals, which recorded earlier challengers to Norwegian kings.⁷³ There is also reason to believe that a period of peaceful development helped to consolidate the king's position in society. Peaceful conditions made it possible for the king's representatives to perform their tasks without interruption, and presumably meant that people became more accustomed, and to a certain extent also more prepared, to pay taxes to the king. The king's laws, amendments, and other ordinances issued from the end of the thirteenth century testify to a more stable society, where the monarchy was more entrenched in society than before. Although it is uncertain how much the royal actions reflect real and not ideal conditions, it is difficult not to interpret them as expressions of a kingship with ambitions, and probably also the power, to regulate society in a number of ways.

⁷³ Most of the opposition factions are recorded in *Islandske annaler indtil 1578* (ed. G. Storm, Kristiania 1888).

This study has concerned conditions before 1263, and mainly before 1240, because after that *Hákonar saga Hákonarsonar* is almost silent about conflicts in Norway. It is therefore difficult to say anything certain about the period after 1240 based solely on the sagas. That would require a more detailed analysis of the normative source material from the second half of the thirteenth century than I have done. I will therefore not contest that there was state development from 1240 onwards. What I will do, based on my source material is to ask how extensive the changes were. In my view, the fact that King Håkon from 1240 was undisputed leader without encountering any internal opposition does not necessarily imply that he had gained unconditional acceptance for the hegemony of his lineage and the principle of sole succession. Skule Bårdsson's arguments for his right to be king in 1240 reveal that he did not accept that Håkon was more entitled to the crown than he himself, and the subsequent struggles showed that neither Trøndelag nor Viken were loyal to the king when an equal rival threatened the king.⁷⁴ After 1240, there were no rival royal lineages in the country.⁷⁵ The question of sole succession was also a subject of vehement debate,⁷⁶ and when Magnus Håkonsson ended up as sole king it was a result of chance circumstances in the form of his brother's death, and not observance

⁷⁴ *HsH* 199 on Skule's argumentation, pp. 173–75, about how close Skule came to winning against Håkon in 1240. In the new debate about nationalism it is underlined that states before the nineteenth century were weakly integrated, cf. Ernest Gellner, *Nations and Nationalism*, Oxford 1983; Benedict Anderson, *Imagined Communities*, London 1989; Eric Hobsbawm, *Nations and Nationalism since 1780*, Cambridge 1991; Stein Rokkan, "Conditions of State-Formation and Nation-Building", in P. Flora (ed.), *State-Formation, Nation-Building, and Mass Politics in Europe: The Theory of Stein Rokkan*, Oxford 1999, pp. 153–69. Steinar Imsen uses the term "dynastic state" for the Late Middle Ages (Steinar Imsen, *Senmiddelalderen: Europas historie 1300–1550*, Oslo 1984, pp. 130–35, 176–77). Kåre Lunden has argued for a national Norwegian identity in the Middle Ages ("Fanst det ein norsk nasjonal identitet i mellomalderen?", in M. B. Ohman Nielsen (ed.), *Nasjonal identitet og nasjonalisme*, Oslo 1994, pp. 22–38; Lunden, "Was There a Norwegian National Identity in the Middle Ages?" *SjH* 20, 1995, pp. 19–33), but has been criticized by Sverre Bagge ("Fantes det en norsk nasjonal identitet i middelalderen?", in Ohman Nielsen 1994, pp. 7–21), and Sverrir Jakobsson ("Defining a Nation: Popular and Public Identity in the Middle Ages", *SjH* 24 1999, pp. 91–103).

⁷⁵ No sons are mentioned after the other claimants to the throne in 1223: Guttorm Ingesson, Knut Håkonsson, and Sigurd Ribbung. Sturla noted, for safety's sake, that no one knew that Skule had left any living son (*HsH* 242).

⁷⁶ *HsH* 284, cf. Blom 1967, pp. 29–31; Bagge 1987, pp. 49–51 on the discussion of monarchy in *Konungs skuggsiá*.

of the principle of sole succession.⁷⁷ It was not just chance, however, that rival pretenders to the throne did not appear after 1240, as the long-term strengthening of the monarchy made it ever more difficult to challenge the king's authority.

A more important point arising from my study is nevertheless that the silence in *Hákonar saga Hákonarsonar* about domestic conflicts after 1240 should not be interpreted as evidence that the country had been generally pacified. In the chapter about retainers I gave examples showing that personally motivated conflicts were much more common than the kings' sagas imply. The silence about such conflicts must be viewed in the light of the fact that the kings' sagas explicitly confined themselves to events concerning the king. As long as the king was not challenged or directly involved in conflicts, it was irrelevant to recount them in the saga. The strengthened position of the crown must have had the result that the king became involved less often in such conflicts. But the silence about conflicts must also be connected to ideological factors. One of the most important goals of the *rex iustus* ideal was that the king should put an end to private feuds and vengeance. It is therefore not surprising that *Hákonar saga Hákonarsonar* has fewer descriptions of feuds and of royal revenge than *Sverris saga*.

We have, however, another source which describes the situation in King Håkon's hird after 1240, and which can give a corrective and supplement to the (lacking) account in *Hákonar saga Hákonarsonar*. It concerns the story in *Sturlunga saga* (*Þorgils saga skarða*) about Þorgils skarði's stay in Norway from 1244 to 1252, which has been rarely used by Norwegian historians. In the winter of 1250–51 there was a conflict between Þorgils and Earl Knut Håkonsson after a king's man had wounded one of the earl's men in Nidaros in the king's absence.⁷⁸ Knut reacted immediately by capturing the king's man to have him killed. Þorgils managed to free the man, and the earl then mobilized all his men to attack Þorgils and the king's men. After a great deal of tumults, Þorgils succeeded in persuading everyone that the matter should be submitted to the king's judgement. The account is typical of the way the role of Icelanders is emphasized in such

⁷⁷ *HsH* 291. This is more clearly seen in the next generation's hereditary succession, which in practice meant a division of the kingdom between the sons of Magnus, Eirik and Håkon.

⁷⁸ *Þsk* 9.

stories.⁷⁹ Yet this does not mean that it can be dismissed as unreliable, for the kings' sagas have several examples of similar conflicts in the hird before 1240,⁸⁰ and *Þorgils saga skarða* is reckoned to be a trustworthy source for historical events.

If conflicts like this were not included in *Hákonar saga Hákonarsonar*, the reason may be that they did not escalate into open conflict, as in the case of similar conflicts in the hird in the early phase of Håkon's reign, when Skule had threatened the king. However, there were also strong ideological reasons for not including such conflicts in *Hákonar saga Hákonarsonar*. Firstly, the conflict revealed a split between the earl's and the king's men which resembled the division that existed in Skule Bårdsson's time. The relationship between Håkon and Skule had been marked by rivalry as to who was able to mobilize most supporters, but according to *Hákonar saga Hákonarsonar* this type of direct rivalry ceased with Skule's fall. This episode shows that the tense relations between king's men and earl's men continued along the same lines with Knut. Whether the tension spread all the way up to the level of the leaders is difficult to judge based on this episode, but the warning in *Hirðskrá* against appointing earls inside Norway can be interpreted along these lines.⁸¹

Secondly, this conflict illustrates that Håkon was far from behaving in line with the *rex iustus* ideal in practice. In the cases where *Hákonar saga Hákonarsonar* reports conflicts in the hird, the saga stresses that Håkon wished to resolve them by judicial means, whereas Skule seemed most concerned with standing up for his men.⁸² In *Þorgils saga skarða* the roles of the king and the earl are reversed. Earl Knut captured the guilty king's man, but Þorgils was able to set him free. Knut then accused him of having broken the law in several respects: "You have broken into houses, beaten my men, and forcefully carried away the man who has deserved death himself."⁸³

⁷⁹ Cf. p. 92 on *þettir*.

⁸⁰ Cf. pp. 142–43.

⁸¹ *H* 9 (14).

⁸² As regards Håkon, his saga underlines that he was very concerned to prevent innocent people from paying the penalty for what others had done (*HS* 332 on this in general, *HS* 157 for an example). On Skule's alleged preference to stand up for his men rather than administer the law, see *HS* 50–72, 70, 72–73, 193, cf. Rygg 1997, p. 117.

⁸³ "[...] brotit upp herbergi ok barit menn mína, en tekit þann í brott með valdi, er sjálfir hafði unnit til dauða" (*Þsk* 9).

For Þorgils, however, the crucial thing was not the judicial aspect of the conflict, but its connection with honour. One might believe that Þorgils had misjudged the situation when he expected the king's approval for his conduct, since both the king's man and Þorgils had broken the law—the former by wounding an innocent man, Þorgils by releasing him so that he avoided his rightful punishment. The saga also underlined the fact that Knut had not wanted to execute the man immediately, because it was against the law to kill a person at night.⁸⁴ Þorgils' assessment of the situation nevertheless prevailed, for we are told that "the king was pleased with this end to the case".⁸⁵ This testifies that the king's primary interest was not in resolving conflicts in accordance with law and justice, but in maintaining his own honour and that of his men.

The observation in the saga that the king "tolerated such actions better from him [Þorgils] than from most others",⁸⁶ is probably something of an Icelandic boast, but there is no reason to doubt the general assessment implied in the statement. It was difficult for the king to maintain authority while absent, and to achieve this he was dependent on the sense of honour displayed by Þorgils when he wanted to "let the king know that he has brave men here and not good-for-nothings".⁸⁷ Þorgils had fulfilled the main duty incumbent on the leader of a group: to protect his men. Because the king could not protect everyone, he had to rely on a sense of honour that put personal integrity in the centre.⁸⁸ This scarcely applied solely to Icelandic chieftains, but just as much to Norwegian magnates.⁸⁹

⁸⁴ On this norm, see Orning 1994, pp. 13–24.

⁸⁵ "Likaði konungi vel þessi málalok" (*Þsk* 10).

⁸⁶ "hann þoldi honum betr en flestum öðrum jafnar tilgerði" (*Þsk* 6).

⁸⁷ "látum konung þat spyrja, at hann hefir hér drengjum skipat, en eigi dádleysingjum" (*Þsk* 9).

⁸⁸ This is underlined in the case of Þorgils in that his resistance to Knut was intended as revenge for the earl's insulting statements about Icelanders slightly earlier (*Þsk* 8–9). That redress was more important than judgement is evident from the fact that the king's judgement on the case is not reported (*Þsk* 10). Cf. Sørensen 1995, pp. 180–86 on personal integrity.

⁸⁹ True, Þorgils is portrayed as being more concerned with honour than others, while both the vassal Brynjulv Jónsson and Earl Knut seem more interested in legal issues (*Þsk* 2, 9). Yet the conflicts quickly developed into a matter of honour for them too (*Þsk* 2–3, 8–9). Thus, the difference here is probably due to the tendency of the story to depict this obsession with honour as a particularly Icelandic phenomenon, and not that this was the case historically.

The conflicts in which Þorgils skarði became involved when he was in Norway show distinct similarities to Icelandic feuds. They primarily concerned honour and insults, not breaches of the law, and they were resolved through settlements in which the honour of the parties counted for more than the legal aspect of the conflicts. If hostilities did not break out it was because many men had friends and relatives in both factions, and there was a group outside the conflict with obligations to both sides who were therefore prepared to mediate.

The description in *Þorgils saga skarða* of Þorgils' experiences in Norway confirm the results from the comparison of how *Íslendinga saga* and *Hákonar saga Hákonarsonar* describe the relationship of Icelandic magnates to the Norwegian king. Firstly, the account depended on the perspective of the saga writer. While *Hákonar saga Hákonarsonar* portrayed the events from the king's point of view and classified the magnates as loyal or disloyal depending on whether they fulfilled the demands of loyalty to him, *Sturlunga saga* viewed the events from the perspective of the chieftains, for whom loyalty to the king was not an absolute norm but depended on the context in which the demand was made. Secondly, the king only to a limited extent acted on the basis of an absolute perception of loyalty. *Íslendinga saga* showed that the subjugation of Iceland was not so much a process whereby the king gradually extended his absolute domination, but rather a tactical game in which the king offered or withdrew his friendship according to contextual criteria which he tried to keep as close as possible to his chest. *Þorgils saga skarða* hints that the king's exercise of power in mainland Norway was not essentially different from this.

The story of Þorgils skarði and the scattered hints of personal conflicts in the kings' sagas thus imply that the stability prevailing in the second part of the reign of Hákon Hákonsson was not so much due to his having gained general acceptance for his demands for loyalty or having pacified the country; it was more a case of his respecting the limits to how far he could go *vis-à-vis* magnates and peasants. If he experienced fewer conflicts than Sverre, it was partly because he sat more securely, so that more was needed if conflicts were to reach a level where they concerned or challenged the king directly. The downplaying of the conflicts and their personal aspect in *Hákonar saga Hákonarsonar*, however, must also be viewed in connection with the fact that ties of blood and friendship were perceived to a greater extent as a threat to the king's exercise of power. With the *rex iustus* ideology the king acquired an instrument with which to raise himself above and attack personal

attachments. Such attachments were in principle incompatible with a hierarchic and centralized society led by the king and the church.

The changes from Sverre's reign to Håkon Håkonsson's can therefore be partly interpreted as a real historical change, and partly as an ideological development or escalation from *Sverris saga* to *Håkonar saga Håkonarsonar*. According to Karl Marx, the rise of a separate ideological field is associated with the emergence of a division into material and intellectual work.⁹⁰ An ideology-producing stratum was created in Norway when the reformed church gained ground from the second half of the twelfth century. It was the men of the church who elevated the conflicts to a theoretical level, and this in turn pressed the king to formulate the foundation of his justice in a more explicit way. The rise of an ideological sphere can thus be associated with state development, in that ideology production was a result of social differentiation and also had repercussions for the social structure.

It would be misleading, however, to equate the ideological escalation in the High Middle Ages with the real development, because the increased "ideologizing" of the debate also meant that it steadily distanced itself from reality. The king would have had an arduous task if he had tried to live according to the royal ideology in his everyday actions. However, he probably perceived much less of a connection, and hence less of a contradiction, between his theoretical and his practical standpoint than we historians do. Yet this does not imply that the Norwegian state in the thirteenth century was just a mirage. Important changes took place in a number of fields, for instance on the institutional level and in the royal ideology. In particular, time worked in favour of the monarchy as long as peace prevailed and the king was not challenged. This meant that the demands of the crown could sink into the people, and become part of everyday life and custom.

It is hardly a coincidence that the period with the most vigorous state formation is also the period when the source material, to a greater extent than in the preceding and subsequent times, was produced by the church and the crown. The source situation must certainly be interpreted as an expression of a strengthened central power, but still it is uncertain whether it is the wishes or the merits of central power that the sources

⁹⁰ "from now on consciousness is in a position to emancipate itself from the world and to proceed to the formation of 'pure' theory, theology, philosophy, ethics, etc." Karl Marx, *German Ideology*, London, 2001, p. 75 (<http://site.ebrary.com/lib/hivolda/Doc?id=2001668andppg=74>).

refer to. However, there are limits to how far it is possible to push such meagre and centralized source material as that from the High Middle Ages. I therefore think it is necessary to open our eyes to “the long Middle Ages”, and for the critical use of other types of sources from earlier and later periods. The sagas written in Iceland are marvellous sources for local conditions in the Old Norse world, and after 1264 they are formally just as “Norwegian” as sources from today’s Norway. For the Late Middle Ages the diplomatic material offers a quite different perspective on local conflict resolution than kings’ sagas and laws. The character and scope of Norwegian state formation in the High Middle Ages is still a research field with many open answers.

APPENDICES

Norwegian Kings 1161–1319

Håkon Herdebrei 1159–62
Magnus Erlingsson 1161–84
Sverre Sigurdsson 1177–1202
Jon Kuvlung 1185–88
Sigurd Magnusson 1193–94
Inge Baglerkonge 1196–1202
Håkon Sverresson 1202–04
Guttorm Sigurdsson 1204
Erling Steinvegg 1204–07
Inge Bårdsson 1204–17
Filippus Simonsson 1207–17
Håkon Håkonsson 1217–63
Magnus Håkonsson 1263–80
Eirik Magnusson 1280–99
Håkon Magnusson 1299–1319

Larger Factional Groups 1177–1240

Birkibeinar (“birchlegs”)—led by Sverre Sigurdsson (1177–1202)
Heklungar (“heirs after a cloak without arms”)—led by Magnus Erlings-
son (1161–84)
Kuflungar (“monks”)—led by Jon Kuvlung (1185–88)
Eyjarskjeggjar (“eyebrows”)—led by Sigurd Magnusson (1193–94)
Baglar (“croziers”)—led by Inge Baglerkonge (1196–1202), Erling
Steinvegg (1204–07), Filippus Simonsson (1207–17)
Slittungar (“the ragged ones”)—led by Bene Skinnkniv (1217–18)
Ribbungar (“the robbers”)—led by Sigurd Ribbung (1219–23 and
1224–26), Knut Håkonsson (1226–27)
Várbelgir (“skinned Spring hides”)—led by Skule Bårdsson (1239–40)

Titles of Some Important Royal Officials

Retainers who did not follow the king on a regular basis (literally “non-seated” hirdmen):

hertogi—duke

jarl—earl

lendr maðr—vassal

ármaðr—steward (of low status)

sýslumaðr—sheriff

lögmaðr—lawman

Retainers who did follow the king on a regular basis (literally “seated” hirdmen):
 hirðmaðr—retainer (guardians, partly a common denominator for the whole hird)

gestr—guest (guardians, spies and executioners, low status)

húskarl—housecarl (worker, low status)

skutilsveinn—table waiter (among the highest ranking positions)

kertisveinn—candle bearer (recruitment position often filled by young men of high birth)

ABBREVIATIONS

<i>DN</i>	<i>Diplomatarium Norvegicum</i> I–XXI (Norwegian diplomas up to 1570)
<i>MD</i>	<i>Norske middelalderdokumenter</i> (ed. S. Bagge, S. H. Smedsdal and K. Helle)
<i>LD</i>	<i>Latinske dokumenter</i> (ed. E. Vandvik)
<i>NgL</i>	<i>Norges gamle love</i> I–V (The old laws of Norway, vols. I–V)
<i>G</i>	The old Gulating law
<i>F</i>	The old Frostating law
<i>E</i>	The old Eidsivating law
<i>B</i>	The old Borgarting law
<i>Bj</i>	Bjarkøy law (The old town law)
<i>NG</i>	The new Gulating Christian law
<i>NB</i>	The new Borgarting Christian law
<i>ML</i>	Magnus Lagabøte's national law
<i>Bl</i>	Magnus Lagabøte's town law
<i>H</i>	The hird law
<i>J</i>	Archbishop Jon's Christian law
<i>R</i>	amendments (letters a to e refer to volume)
<i>S</i>	clerical statute (letters a to e refer to volume)
<i>Hb</i>	<i>Old Norse Homily Book</i>
<i>KS</i>	<i>Könungs skuggsiá</i> (The King's Mirror)
<i>The Speech</i>	<i>A Speech against the Bishops</i>
<i>Hkr</i>	<i>Heimskringla</i>
<i>HH</i>	<i>The Saga of Harald Fairhair</i>
<i>HG</i>	<i>The Saga of Håkon the Good</i>
<i>OT</i>	<i>The Saga of Olav Trygvason</i>
<i>OH</i>	<i>The Saga of Olav the Saint</i>
<i>MG</i>	<i>The Saga of Magnus the Good</i>
<i>HHard</i>	<i>The Saga of Harald Hardruler</i>
<i>Ms</i>	<i>The Saga of the Magnussons</i>
<i>MB</i>	<i>The Saga of Magnus the Blind</i>
<i>Inge</i>	<i>The Saga of Inge</i>
<i>ME</i>	<i>The Saga of Magnus Erlingsson</i>
<i>Svs</i>	<i>Sverris saga</i>

<i>Bs</i>	<i>Böglunga sögur</i>
<i>HsH</i>	<i>Hákonar saga Hákonarsonar</i>
<i>MLs</i>	<i>Magnúss saga lagabætiss</i>
<i>Sts</i>	<i>Sturlunga saga</i>
<i>Geirm</i>	<i>Geirmundar þáttir heljarskinns</i>
<i>ÞH</i>	<i>Þorgils saga ok Haflíða</i>
<i>St</i>	<i>Sturlu saga</i>
<i>Gg</i>	<i>Prestsaga Guðmundar góða</i>
<i>Gd</i>	<i>Guðmundar saga dýra</i>
<i>Hr</i>	<i>Hrafns saga Sveinbjarnarsonar</i>
<i>Ísl</i>	<i>Íslendinga saga</i>
<i>Þk</i>	<i>Þórðar saga kakala</i>
<i>Svinf</i>	<i>Svínfellinga saga</i>
<i>Þsk</i>	<i>Þorgils saga skarða</i>
<i>Stþ</i>	<i>Sturlu þáttir</i>
<i>KLNM</i>	<i>Kulturhistorisk leksikon for nordisk middelalder I–XXII</i> (Cultural Historical Encyclopaedia for the Nordic Middle Ages)
<i>NHU</i>	<i>Norske historikere i utvalg I–IV</i> (Selection of Norwegian Historians)
<i>CM</i>	Collegium Medievale
<i>DHT</i>	[<i>Dansk</i>] <i>Historisk tidsskrift</i> (Danish Historical Review)
<i>HT</i>	[<i>Norsk</i>] <i>Historisk tidsskrift</i> (Norwegian Historical Review)
<i>SHT</i>	[<i>Svensk</i>] <i>Historisk tidsskrift</i> (Swedish Historical Review)
<i>SJH</i>	<i>Scandinavian Journal of History</i>

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